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EDITOR'S INTRODUCTION

Noēsis XX may have been one of the most challenging years for the journal thus far. From operating with only one Editor-in-Chief to reading hundreds of papers submitted by authors around the world, this was certainly not an easy year for us. However, despite the countless hours of work and delayed deadlines, Noēsis has managed to produce another outstanding edition in celebration of the 20th anniversary of the journal.

We began our preparation for Noēsis well before the 2018-2019 school year commenced. Over the summer, Noēsis decided to revamp its hiring process for the editorial board by introducing Junior Editor positions, limited to first and second year students, with the intent to increase early student engagement within the philosophical community. Not only did our Junior Editors receive the opportunity to assist with the editorial process, but they also brought several ideas to the table which took an avant-garde approach to efficiency and outreach of the journal.

Perhaps one of the biggest changes Noēsis brought forth this year was the expansion of our call for submissions, which included submissions from authors around the world – making us one of the few international undergraduate philosophy journals. Although expanding the scope of our submissions on an international scale required extra time and effort from our editors, we believe that every extra minute spent throughout the review process was worth it. I was greatly impressed by the quality of the submissions that we received this year, and it may have been the most competitive review process for authors throughout the history of Noēsis.

With all of this in mind, we are extremely proud to showcase some of the best work submitted to Noēsis thus far from several young emerging philosophers around the world: Christopher Hill (University of Toronto), Abraham Mathew (University of Toronto Mississauga), Christina Ge (Brown University), Natasha Gonzalez (Harvard University), Riley Pike (Memorial University of Newfoundland), and Corina Lee (York University).

This year's professor interview features Arthur Ripstein, a recipient of the prestigious Killam Fellowship and a University Professor of Law and Philosophy at the University of Toronto. In this interview, Ripstein, known for his contributions to legal and political philosophy (particularly surrounding Kant), discusses everything from his mother, who was the first female stockbroker in Canada, to his current work on Kant in regards to the morality and law of war. Professor Ripstein also discusses what sparked his desire to pursue an undergraduate degree in philosophy and how he thinks the discipline can be applicable to many other fields of study and industries.

This year's success of Noēsis XX would not have been possible without the ongoing support from the undergraduate philosophy community. As always, we are extremely grateful for both the financial and academic assistance that we have received from the Department of Philosophy. In addition, we are particularly grateful for the Undergraduate Administrator – Eric Correia. Through Eric's countless hours of support, Noēsis was able to persevere and overcome every hurdle that arose throughout the course of the year.

We would like to make honourable mentions to our Graphic Designer, Alex Lui, and our Typesetter/L^AT_EX wizard, Jesse Knight. For the third year in a row, Alex Lui has brought our vision to life through his creativity and abstract designs, while Jesse Knight's pro-bono assistance with L^AT_EX was (extremely) essential to our copy editing process.

I would also like to personally thank Layla Pereira DaSilva and Julia DaSilva for going above and beyond their duties as Senior Editors to push the publication over to the finish line. As I pass the torch off to Layla and Julia as Co-Editors-in-Chief, I have no doubt in my mind that they will continue to grow Noēsis beyond what it is now.

Finally, I would like to thank the editorial board for their diligent contributions and perpetual dedication throughout the year.



ASHLEY FIAZOOOL

Editor-In-Chief, Noēsis

University of Toronto Undergraduate Journal of Philosophy

THE THOUGHTS THAT GOD CANNOT THINK: A FREGEAN ARGUMENT FOR PARTICULAR, PRIMITIVE, AND PRIVATE SELF-PRESENTATION

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Keywords: *Frege, Evans, Kripke, self-reference.*

In his seminal “The Thought”, Gottlob Frege claims that “everyone is presented to himself in a particular and primitive way in which he is presented to no one else,”¹ Nonetheless, he does not set out an argument to defend this claim. In this paper, I will utilize Fregean concepts from “The Thought” to construct a set of axioms, theorems and corollaries, in addition to supplementary arguments by Gareth Evans and Saul Kripke, to show Frege could have argued for this conclusion.

I. P R E T E X T

At the outset, Frege points out a key characteristic of the relationship between sentences and the thoughts they express, namely that the totality of words used in a sentence is not always sufficient to express the corresponding thought; this is particularly evident in sentences that involve indexicals.² Take, for instance, the sentence, “Justin Trudeau will be campaigning here tomorrow.” The sentence itself cannot express a single complete thought because its utterance by different speakers in different locations at different times will lead to different thoughts being expressed. To correctly apprehend the thought that the speaker intended to express, one must be aware of the context in which the sentence was uttered. Thus, knowledge of contextual factors like the spatial and temporal location of the utterance are essential to the expression of the thought. The speaker must, for example, recognize that ‘here’ means the city of Brampton and ‘tomorrow’ means November 12, 2019 to express the same true thought with the same reference. Conversely, the same utterance made in Georgetown on November 13, 2019 will not express the same thought. Frege

¹Frege, “The Thought”, p. 289.

²Ibid.

then argues that dealing with sentences involving the self-referential indexical 'I' raises a new set of complexities.³

II. THE THOUGHT EXPERIMENT

To illustrate these complexities, Frege narrates a thought experiment. Suppose a doctor by the name of Gustav Lauben utters, "I have been wounded." Suppose that a few days later, Leo Peter, a man who was in the room when Lauben uttered the aforementioned sentence, remarks, "Dr. Lauben has been wounded." Suppose that there is a third person, analytic philosophy's omnipresent Rudolph Lingens, who was in the room when Lauben made his original utterance and also hears Leo Peter's remark. If it is the case that both Lauben and Peter are expressing the same thought via their individual utterances, then Lingens must immediately recognize the connection between the two utterances he witnessed. That consequent, however, is not the case; there is a possible world where Lingens does not know Lauben by name, and therefore does not associate the proper name 'Dr. Lauben' with the man who uttered, "I have been wounded" in his presence.⁴ In other words, there is a possible world in which the thought expressed by Dr. Lauben's utterance is true, while the thought expressed by Leo Peter's utterance is false. For this reason, the thought that Leo Peter expresses is not identical to the one that Gustav Lauben expresses via his utterance.

Frege holds that utterances containing indexicals like 'I' allow their hearers to apprehend a diversity of thoughts because these indexicals allow for the referent of an utterance to be presented differently to different listeners, depending on their grasp of the contextual elements behind the utterance in question.⁵ When Dr. Lauben utters, "I have been wounded," he, as the referent of 'I,' is presented differently to each of Peter and Lingens. And given that this presentation is one of the necessary contextual elements required to apprehend the thought expressed by an utterance, we find that different hearers of the utterance come up with different thoughts, based on how the referent of the utterance was presented to them.

From the above thought experiment, it is possible to derive the following axiom:

Axiom 1: How a referent referred to by an utterance is presented to the hearer of that utterance is crucial to determining the specific thought expressed by that utterance that the hearer apprehends.

III. THE ARGUMENT

Frege then makes the claim that everyone is presented to themselves in a particular and primitive way when making utterances involving self-referential

³Frege, "The Thought".

⁴Ibid.

⁵Ibid.

indexicals like 'I'; a way in which they are not presented to anyone else.⁶ Nonetheless, this claim is not self-evident from the thought experiment or from Axiom 1 which we derived from it.

We can, however, derive a theorem from Axiom 1, which is as follows:

Theorem 1: If set X and set Y are two sets of hearers apprehending thoughts about a referent R from an utterance U , then if all members of set X apprehend the same thought about R from U and all members of set Y fail to apprehend that same thought about R from U , it follows that R was presented to set X in a manner distinct from how R was presented to set Y .

The justification for arriving at this theorem is that if the manner of presentation of the referent is crucial to determining the thoughts apprehended by the hearer, then two sets of hearers apprehend two different thoughts from the same utterance because the referent was presented differently to each set.

Additionally, a corollary follows from Theorem 1:

Corollary 1: If individual I is a single hearer apprehending a thought T about referent R from utterance U , and set Z is the set of all other hearers apprehending all non- T thoughts about R from U , then if I can apprehend T from U and set Z cannot, then R is presented in a particular and primitive way to I from U , a way in which R is not presented to set Z .

If individual I and referent R in Corollary 1 happen to be one and the same person, we get another corollary, which is as follows:

Corollary 2: If individual I is the referent of utterance U and can apprehend thought T from U , and set Z is the set of all other hearers apprehending all non- T thoughts about I from U , then if I can apprehend T from U and set Z cannot apprehend T from U , I is presented in a particular and primitive way to I from U , a way in which I is not presented to set Z .

Using a generalized form of Corollary 2, one can construct a valid argument for Frege's conclusion as follows:

1. If there are thoughts about individuals that only the individual can apprehend, then it is the case that there is a particular and primitive way in which the individual is presented to himself and no one else (Corollary 2).
2. There are thoughts about individuals that only the individual can apprehend.⁷

⁶Ibid.

⁷Ibid.

Therefore:

3. There is a particular and primitive way in which the individual is presented to himself and no one else (1,2 modus ponens).

IV. EXAMINING PREMISE 2

In the above argument, if one accepts Axiom 1, Theorem 1, and the following corollaries, one has good reason to accept Premise 1 as true. Premise 2, on the other hand, needs to be justified. To examine this premise, however, it is imperative that we go back to Frege's definition of what a thought is, and where these thoughts can be classified in Fregean ontology.

Frege defines a thought as that about which questions of objective truth or falsity can arise. He classifies thoughts in a third realm as abstract objects, separate from those of ideas and material objects.⁸ Of particular interest to us is why he argues that thoughts are not ideas- he points out that thoughts can exist without a bearer and timelessly persist, even if no one thinks them; he also adds that, unlike ideas, individual thoughts can be apprehended by multiple persons.⁹

Firstly, the criteria of thoughts needing to be objectively true or false seems to be incongruent with the idea of subjective and private thoughts posited by Premise 2. If a thought is accessible to only one individual, is it possible to classify it as objectively true or false without establishing inter-subjective agreement about truth and falsity?

The answer, it seems to me, is that it is possible to do so. Suppose Gustav Lauben wakes up one morning believing that he is Gottlob Frege and says to himself, "I am known as the father of analytic philosophy." It is not possible for someone to apprehend this thought in the exact same way as Gustav Lauben did, given that the 'I' in the utterance would be presented differently to them than it is presented to Lauben; nonetheless, one can safely say that the thought apprehended in Lauben's case is objectively false. On the other hand, if Gottlob Frege would ever get the opportunity to think the same thought, the thought would be restricted to Frege's mind and yet could be said to be objectively true. Thus, the incommunicability of a thought does not posit a problem for attributing truth or falsity to it.

The characteristic of communicability that Frege uses to distinguish thoughts from ideas seems to put Premise 2 in a far more serious predicament than the question of objective truth and falsity that we resolved above. Utilizing the Pythagorean theorem as an exemplar, Frege sets out the capacity of individual thoughts to be communicated and agreed or disagreed upon as a key characteristic that distinguishes it from ideas.¹⁰ This seems to be a contradiction of his earlier claim that there are certain thoughts that only Dr. Lauben can grasp and cannot communicate to anyone else.

⁸Frege, "The Thought".

⁹Ibid.

¹⁰Ibid.

The fly in the ointment, however, is illusory. As philosopher Gareth Evans points out, Frege does not state that all thoughts must be publicly accessible while distinguishing between thoughts and ideas; a charitable interpretation implies that thoughts, unlike ideas, are not essentially precluded from being publicly accessible and therefore are capable of being the subject of agreement or disagreement.¹¹ This does not entail that every thought must be publicly accessible. This is analogous to how saying that a key distinction between a dog and a human is that the latter engages in bipedalism does not entail that all individual humans engage in bipedalism. Furthermore, as Evans demonstrates, the language of communicability and public accessibility in that passage is used to illustrate a different and more fundamental characteristic that is true of all thoughts but no ideas, namely that thoughts are ontologically independent; unlike ideas, their existence is not contingent upon their being the content of a person's consciousness.¹²

In summary, Frege does not hold that all thoughts must be publicly accessible and communicable. For instance, he believed that we can have incommunicable thoughts regarding sense impressions involving colours. In the *The Foundations of Arithmetic*, he says, "The word 'white' ordinarily makes us think of a certain sensation, which is, of course, entirely subjective; but even in ordinary every day speech it often bears, I think, an objective sense."¹³ In other words, there are thoughts that we have about the whiteness of snow that are essentially incommunicable because they are thoughts about our private sense impressions of the whiteness of snow. Yet, our publicly expressed thoughts about these impressions seem to be different, and are understood by others on the basis of their experience of the whiteness of snow; an individual who has never seen snow will be incapable of apprehending even these thoughts. To conclude, it is not impossible for a thought to be determined in such a way that it can only be apprehended by a single individual.

The question, however, remains to be answered: Do 'I' thoughts about oneself fall into this category? Once again, Frege does not give us an argument for why he claims that they do, but philosophers like Saul Kripke have used arguments from self-acquaintance to show how Frege could have reached this conclusion. In Frege's "Theory of Sense and Reference: Some Exegetical Notes",¹⁴ Kripke demonstrates from both *On Sense and Reference* and "The Thought" that the Russellian Principle of Acquaintance has application in Frege's philosophy; the principle stating that every thought that can be apprehended by an individual must constitute entirely of elements with which that individual is directly acquainted. Given that 'I' is an essential element of the kind of thought in discussion, namely its referent, the one who apprehends the thought must be acquainted with it. But the use of the word 'I' implies self-reference, which would entail the necessity of self-acquaintance to ap-

¹¹Evans.

¹²Ibid.

¹³Frege, *The Foundations of Arithmetic*, p. 36.

¹⁴Kripke.

prehend the thought. And since self-acquaintance can only be accomplished by the individual himself, it follows that only the individual can apprehend such thoughts. Responding to the inevitable objection that others are capable of recognizing each other's 'I' thoughts, Kripke states that these others only recognize what sort of thought is being expressed by analogy of their own self-acquaintance and self-referential expressions such as 'I' thoughts; it is not possible for them to apprehend the same 'I' thought that was apprehended in a self-referential manner by a thinker.¹⁵

If Kripke's argument is sound, we have a successful defense of Premise 2 of the argument delineated above, establishing that there are certain thoughts about self-referring individuals that only those individuals can apprehend; these are thoughts that God Himself cannot think. And if Premise 2 is true, it follows that there is a particular and primitive way in which individuals are presented to themselves and to no one else, which is the Fregean conclusion that I set out to demonstrate.

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¹⁵Kripke, p. 215.

THE PROBLEMS OF SATURATION AND INSTANTIATION IN ARMSTRONG'S "A WORLD OF STATES OF AFFAIRS"

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Keywords: *Metaphysics, David Armstrong, Trope Theory.*

David Armstrong uses states of affairs to explain some particular *a*'s having some property *F*. In this essay, I introduce the problem of saturation, highlighting that saturation cannot account for states of affairs. Then, I examine Martin's trope theory and the problem of instantiation that it encounters. I argue that Armstrong and Martin both have problematic views. I introduce my account of structural tropes that avoids the problems of saturation and instantiation.

A state of affairs is a particular having some property, or some relation holding between particulars.¹ The properties of a particular, and the relations between particulars, are universals. I use $\langle Fa \rangle$ to represent the state of affairs of some particular *a* having some property *F*. I use $\langle Rab \rangle$ to represent two particulars *a* and *b* having the relation *R*.

Armstrong defines a universal as a state of affairs type.² It is an unsaturated state of affairs. A universal is that which is left over once the particular has been abstracted away.³ For example, $\langle Bd \rangle$ represents a particular dog's being brown. The universal of brownness is that which is left over when the particular dog is abstracted away. The result is $\langle Bx \rangle$, namely, *x*'s being brown.⁴ The complete state of affairs $\langle Bd \rangle$ exists when some particular dog saturates the universal brownness.

Armstrong argues that there is no relation of instantiation over and above states of affairs themselves, that is, the 'relation' between the constituents is not something additional to the state of affairs itself.⁵ Armstrong postulates that the saturation of a universal by a particular exists as a 'fundamental tie,'⁶ nevertheless, this is "very different from anything that is ordinarily spoken of

¹ Armstrong, p. 1.

² Ibid., p. 28.

³ Ibid., pp. 28–29.

⁴ This is the form of notation used by Armstrong to represent a universal on page 28.

⁵ Armstrong, p. 118.

⁶ Ibid.

as a relation.”⁷ Disposing of the idea that saturation is an ordinary relation is Armstrong’s attempt to avoid the problem of an infinite regress.

For example, $\langle Fa \rangle$ the state of affairs of some particular a having some universal F . This state of affairs exists when a saturates F . However, if saturation is a relation, then it is a universal. Therefore, one must appeal to the state of affairs $\langle SaF \rangle$, where a and F stand in the relation S of saturation. Nevertheless, to account for a ’s saturation of S and F , one must postulate a further relation, saturation 2, represented by the state of affairs $\langle S^2 SaF() \rangle$. Furthermore, now one must account for the saturation of this state of affairs by postulating a further state of affairs with some relation saturation 3. This appeal to further relations of saturation continues infinitely. If there is an infinite regress of saturation, then one cannot account for the state of affairs $\langle Fa \rangle$. Therefore, one cannot account for states of affairs because they require saturation to tie together universals and particulars.

Armstrong argues that even if saturation involves an infinite regress, this regress is ontologically harmless.⁸ It is ontologically harmless if the regress does not constitute an increase of being. By arguing this, Armstrong introduces his supervenience thesis. This thesis states that Q supervenes upon P just in case P is possible, and, necessarily, if P exists, then Q exists.⁹ In addition, Armstrong’s thesis of the ontological free lunch states, “What supervenes... is not something... ontologically more than what it supervenes upon.”¹⁰ If Q supervenes upon P then the existence of Q is nothing over and above the existence of P .

Using these theses, Armstrong states that the infinite regress supervenes upon the first state of affairs $\langle SaF \rangle$.¹¹ Necessarily, if $\langle SaF \rangle$ exists, then each further relation of saturation $\langle S^n SaF() \rangle$ necessarily exists. The thesis of the ontological free lunch states that supervenience does not constitute an increase of being. If the infinite regress of saturation supervenes upon the initial state of affairs $\langle SaF \rangle$, then each state of affairs $\langle S^n SaF() \rangle$ in the regress does not constitute an increase of being beyond $\langle SaF \rangle$. Therefore, an infinite regress of saturation is ontologically harmless because it does not constitute an increase of being.

I argue that despite the ontological harmlessness of the regress, Armstrong fails to account for the state of affairs $\langle Fa \rangle$. He states, “the step from constituents to states of affairs is a contingent one.”¹² It is contingent because a and F might have existed without a saturating F .¹³ If the step is contingent, then it requires an account of why it exists. Armstrong might argue that the relation of saturation is primitive; therefore, a ’s saturation of F need not be explained. Nevertheless, I contend that it is not primitive, and the contingent nature of

⁷ Armstrong, p. 118.

⁸ Ibid.

⁹ Ibid., p. 45.

¹⁰ Ibid.

¹¹ Ibid., p. 119.

¹² Ibid., p. 45.

¹³ Ibid., p. 139.

the saturation relation requires an explanation of why constituents enter into such a relation. Armstrong uses the initial saturation relation $\langle SaF \rangle$ to explain the contingent existence of $\langle Fa \rangle$. However, because saturation is a universal, it must appeal to a further relation to explain the state of affairs $\langle SaF \rangle$. This amounts to $\langle Fa \rangle$ existing because of $\langle SaF \rangle$, which exists because of some further state of affairs $\langle S^2SaF() \rangle$. This continues *ad infinitum*. Therefore, the initial instance of saturation $\langle SaF \rangle$ requires an appeal to each consequent relation $\langle S^n aF() \rangle$ in the regress. However, the regress supervenes upon $\langle SaF \rangle$. Consequently, the existence of the regress is explained by the existence of $\langle SaF \rangle$. This is circular because the existence of $\langle SaF \rangle$ is explained by each relation in the regress $\langle S^n aF() \rangle$, and each relation in the regress $\langle S^n SaF() \rangle$ is explained by the existence of the initial relation $\langle SaF \rangle$. As a result, Armstrong cannot explain the contingent state of affairs $\langle Fa \rangle$ because he cannot account for the initial saturation relation.

This problem arises because the relation between constituents of states of affairs is external. An external relation is one where the existence of the terms does not entail the existence of the relation.¹⁴ Nothing necessitates the constituents to enter into a saturation relation. Thus, one requires an account of why the state of affairs exists, beyond the existence of the constituents. One might provide a solution by appealing to C.B. Martin's trope theory, which does not allow for repeatable properties. Rather, each property is an unrepeatable trope.¹⁵ A trope is a qualitative particular.¹⁶ According to Martin, tropes are non-transferable.¹⁷ This means that each trope necessarily attaches to the particular that has it.¹⁸ If some particular a has some trope F , then it is necessary for F that it belongs to a .

In Martin's theory, the relation between tropes and particulars is internal. An internal relation¹⁹ is one where, necessarily, if the terms exist, then the relation exists.²⁰ Suppose some particular a has some trope F . I represent this as $\langle Fa \rangle$. Necessarily, if F exists, then $\langle Fa \rangle$ exists. This solves the problem of saturation because it accounts for a 's being F . $\langle Fa \rangle$ is not contingent. Rather, given the existence of F , it is necessary. In contrast, Armstrong's account of the state of affairs $\langle Fa \rangle$ appeals to an external relation. Therefore, the state of affairs $\langle Fa \rangle$ is contingent. It is not necessary for a to saturate F . Consequently, an explanation of why a saturates F requires an appeal to the infinite regress of saturation. Thus, Martin's trope theory is successful because it does not appeal to the infinite regress of saturation to account for $\langle Fa \rangle$. Instead, $\langle Fa \rangle$ is explained by the existence of F .

¹⁴Ibid., p. 87.

¹⁵Ibid.

¹⁶This definition complies with Armstrong's definition of tropes as being "numerically different." (ibid., p. 22).

¹⁷Ibid., p. 116.

¹⁸Ibid.

¹⁹Ibid., p. 87.

²⁰It should be noted that this complies with Armstrong's definition of supervenience. Therefore, one can also understand an internal relation as one where the relation supervenes upon the terms.

Despite its apparent success, I argue that Martin's theory is problematic. The relation between a and F is internal. Nevertheless, Martin does not explain the nature of this relation. I present it as a relation of instantiation. The fact²¹ of a 's being F exists when a instantiates F . This internal relation of instantiation can be represented as $\langle IaF() \rangle$, where a instantiates some trope F . Nevertheless, a also instantiates the relation of instantiating F , represented as $\langle I^2 IaF() \rangle$. Moreover, a instantiates the relation of instantiating the relation of instantiating F , represented as $\langle I^3 I^2 IaF() \rangle$. This continues *ad infinitum*, introducing an infinite number of instantiation tropes in, which are all instantiated by a . Necessarily, if F exists, then $\langle Fa \rangle$ exists. Also, if $\langle Fa \rangle$ exists, then, necessarily, each fact $\langle I^n IaF() \rangle$ exists. Consequently, each fact $\langle I^n IaF() \rangle$ supervenes upon the original relation $IaF()$ that is internal to $\langle Fa \rangle$.

Martin might argue that this regress of instantiation is unproblematic because $\langle Fa \rangle$ is explained by the existence of F . One need not appeal to each fact $\langle I^n IaF() \rangle$ in the regress to explain $\langle Fa \rangle$. However, I argue that the regress itself is problematic. Armstrong's ontological free lunch ensured that the regress was ontologically harmless. Moreover, the ontological free lunch does not apply to Martin's view, because the supervenience of instantiation tropes results in an addition of being. Each fact $\langle I^n IaF() \rangle$ supervenes upon the initial relation $\langle IaF() \rangle$. However, each fact $\langle I^n IaF() \rangle$ constitutes an addition of being. This is because I is a trope, which is an unrepeatable qualitative particular. Therefore, each instance of instantiation in the regress is a particular instantiation trope. If each relation $\langle I^n \rangle$ is a particular trope, then each step in the regress $\langle I^n IaF() \rangle$ introduces a new particular I trope. Thus, each step in the regress constitutes an addition of being. This regress of instantiation supervenes upon each trope. As a result, any particular a instantiating any trope F introduces an infinite addition of being to reality. Martin's theory accounts for $\langle Fa \rangle$; nevertheless, it does so by introducing an infinite amount of being to reality, which Armstrong thinks should be avoided.

My solution to the problems of instantiation and saturation involves an adaptation of Armstrong's account of structural universals. A structural universal is a type of universal. It does, or can, occur repeatedly and is instantiated by particulars.²² Any particular that instantiates a structural universal must have proper parts that involve properties and relations.²³ For example, some particular a 's instantiating some structural universal F might consist in a having two non-overlapping parts. One part instantiates some universal G and another part instantiates some universal H . Moreover, these universals stand in some relation R , which causes them to constitute F .²⁴ Therefore, the universal F consists in a certain structure of universals. Thus, F is a structural universal.

²¹I use the term "fact" to refer to the internal relation between tropes and particulars. This is contrasted with the external relation between constituents of states of affairs.

²²Lewis, p. 26.

²³Ibid., p. 29.

²⁴Armstrong, p. 32.

Armstrong clarifies his notion of structural universals by using the example of a methane molecule.²⁵ A methane molecule is composed of four hydrogen atoms and one carbon atom. I use $\langle Ha \rangle$ to represent some particular a 's being a hydrogen atom, and $\langle Ca \rangle$ to represent some particular a 's being a carbon atom. This results in the following picture of *being methane*.

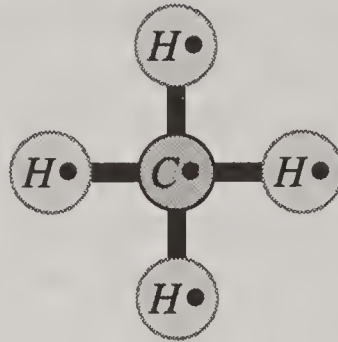


Figure 1: *Being methane*. Adapted from (Armstrong, p. 34).

Each universal of carbon and hydrogen composing the methane molecule must be instantiated by a different particular. Consequently, suppose there are five particulars, a , b , c , d , and e . The hydrogen universal $\langle Hx \rangle$ is instantiated by a , b , c , and d . The carbon universal $\langle Cx \rangle$ is instantiated by e . This results in the state of affairs $\langle Ha \rangle$, $\langle Hb \rangle$, $\langle Hc \rangle$, $\langle Hd \rangle$, and $\langle Ce \rangle$. However, a methane molecule requires that this state of affairs be related in a particular manner. Each hydrogen atom must be related to the carbon atom through bonding. I represent particulars a and b 's standing in a bonding relation as $\langle Bab \rangle$. Thus, the universal of being methane also requires the state of affairs $\langle Bae \rangle$, $\langle Bbe \rangle$, $\langle Bce \rangle$, and $\langle Bde \rangle$. Consequently, if these states of affairs hold between the particulars a , b , c , d , and e , then they comprise the structural universal of being methane.

Given this account, a structural universal is composed of state of affairs types. It should be noted that the mereological sum of a , b , c , d , and e , given in the previous example is not sufficient for constituting the universal methane. Rather, each particular a , b , c , d , and e , must be parts of the same particular. This is because the mereological sum of a , b , c , d , and e is consistent with each universal being instantiated at opposite ends of the universe.²⁶ However, if each universal is instantiated by parts of the same particular, then it ensures that that particular instantiates the universal of methane.

Using Armstrong's account of structural universals, I propose an account of structural tropes as a solution to the problems of saturation and instantiation. I posit that a structural trope is a qualitative particular that is composed of other tropes. Suppose some particular a has some trope F , and, as Martin posits, F is necessarily instantiated by a . Also, suppose that the particular trope F is composed of two other tropes, G and H , that compose F when they

²⁵Ibid.

²⁶Lewis, p. 36.

are related in a particular manner. Thus, a 's instantiating F consists in a 's instantiating G and H , G and H stand in a particular structural relation.

The notion of structural tropes solves the problem of instantiation. Recall that the problem of instantiation noted that some particular a 's instantiating some trope F constitutes a relation of instantiation, represented as $\langle IaF \rangle$. However, a also instantiates the relation of instantiating F , represented as $\langle I^2 IaF \rangle$. Consequently, there is an infinite regress of instantiation $\langle I^n IaF \rangle$. Each step in the regress introduces a particular I trope. Therefore, a 's instantiating F introduces an infinite amount of being to reality.

This problem is solved if one conceives of the original instantiation trope as a structural trope. Each instantiation trope I_n in the regress $\langle I^n IaF \rangle$ is a part of the original instantiation relation. $\langle I^n IaF \rangle$ supervenes upon IaF . Furthermore, if I is a structural trope, then that which supervenes need not be anything more than that which it supervenes upon. This is because the particular I trope is composed of each particular I_n trope in the regress. Therefore, the particular I trope is composed of an infinite number of particular I tropes. This allows one to retain the thesis of the ontological free lunch, because the regress $\langle I^n IaF \rangle$ does not constitute an addition of being. Rather, an I trope just is composed of complex tropes with infinite constituents. The particular I trope is nothing over and above its infinite number of particular parts. Therefore, there is no addition of being. Consequently, the notion of structural tropes avoids the problem of instantiation.

As an aside, it should be noted that my notion of a structural trope with infinite parts is consistent with Armstrong's understanding of structural universals. He states that a simple universal (a universal that does not break down into more universals) might not exist. Rather, each universal might break down into further conjunctions of universals.²⁷ F might be composed of G and H , which are also structures of the same sort, resulting in structures "all the way down."²⁸ Armstrong does not think it is absurd to make this claim about the metaphysical nature of universals. Similarly, I think it is unproblematic that a structural trope might be composed of an infinite number of structural tropes all the way down.

If structural tropes avoid the problem of instantiation, then they ought to be preferred over Armstrong's states of affairs. Recall the problem of saturation. The state of affairs of a 's being F is contingent. The state of affairs $\langle Fa \rangle$ exists when some particular a saturates some universal F . Moreover, relations are also universals. Consequently, $\langle Fa \rangle$ exists when a saturates the relation of saturating F , represented as $\langle SaF \rangle$. This saturation relation results in an infinite regress $\langle S^n SaF \rangle$. However, if $\langle Fa \rangle$ is contingent, then its existence requires an appeal to each consequent state of affairs in the regress. Therefore, the contingency of a 's being F cannot be explained.

Structural tropes avoid the problem of saturation in the same manner as Martin's initial proposal. Some structural trope F might have an infinite num-

²⁷ Armstrong, p. 32.

²⁸ Ibid.

ber of parts consisting of an infinite number of particular tropes. Nevertheless, F 's instantiation by some particular a can still be an internal relation. Necessarily, if F exists with its infinite parts, then F is instantiated by a . The fact $\langle Fa \rangle$ is explained by the existence of F . As a result, a 's being F is accounted for and the problem of saturation is avoided.

In conclusion, Armstrong's view faces the problem of saturation, whereby saturation cannot account for the contingency of a 's being F . Moreover, Martin's view faces the problem of instantiation, whereby an infinite amount of being is introduced to reality in order to account for a 's instantiating F . Consequently, each view is problematic.

In order to provide a solution to these problems, I introduce the notion of structural tropes. Some particular a 's instantiating some trope F might exist when F is composed of an infinite number of particular tropes that are necessarily instantiated by a . This avoids the problem of saturation because the internal relation between F and a allows one to explain a 's being F through the mere existence of F . The problem of instantiation is avoided because one need not introduce an infinite amount of being to reality. Instead, reality consists of structural tropes that have infinite parts consisting of particular tropes. This might result in an infinite amount of being in reality; nevertheless, this being is not introduced in order to account for a 's being F . Rather, reality just does consist in an infinite amount of being. Therefore, the notion of structural tropes avoids the problems of saturation and instantiation.

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TRADITIONAL AFRICAN THOUGHT ON PERSONHOOD: RELATIONSHIP BETWEEN THE INDIVIDUAL AND COMMUNITY

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Keywords: *African Philosophy, Personhood, Communalism.*

It is often thought that the idea of communalism “offers no room for the expression of individuality [and] the two cannot coexist [because] there cannot be a meaningful cooperative relationship between them.”¹ However, by paying special attention to African understanding of the relationship between the individual and the community she is in, I argue that communalism does not detract from a person’s entitlement to personhood or certain rights therein. I will examine the implications of the African conception of personhood and the structure of the African community² to show how the social theory dictates what one is entitled to and responsible for. In particular, I want to show that values supported by Yoruba and Akan communalism coincide with the interests of the individual based on their idea of what constitutes a person and how the person fits in society. In sum, I argue that the social theory of communalism is consistent with human rights.

It suffices for the purpose of my essay to simply draw attention to the belief of the African proverb, “All men are children of God; no one is a child of the earth”³ to convey the concept that all humans deserve to be treated as having moral worth and with certain rights *qua* person. This is because we all have a piece of the Supreme Being in us.⁴ I do not, however, go on to specify what types of rights an individual may have, such as property rights or rights to a fair trial. The aim of my paper is therefore fourfold: 1) To elucidate the relationship between an individual and the wider community that she is in, based on an African conception of personhood; 2) To explore what implications this has on one’s own rights or ethics; 3) To suggest that individualism and communalism can coexist; and 4) To further suggest that the social theory of communalism is consistent with human rights.

¹Gyekye, *An Essay on African Philosophical Thought: the Akan Conceptual Scheme*, p. 154.

²I am limiting the scope of my paper to Yoruba and/or Akan communities of West Africa.

³Gyekye, *An Essay on African Philosophical Thought: the Akan Conceptual Scheme*, p. 85.

⁴Ibid.

A person, according to African traditional thought, is a composite of all those who made him: his mother, father, ancestors, and the Supreme Being. Both Kwasi Wiredu and Kwame Gyekye believe that a person of the African community is of three elements: 1) *okra*, the God-given⁵ life principle that can be described as the spark of the Supreme Being;⁶ 2) *sunsum*,⁷ the spirit or personality principle;^{8,9} and 3) *honam* or *mogya*,¹⁰ a physical, material substance. All persons, in virtue of being human and alive, have *okra* instilled in them. This is an eternal and indestructible essence, meaning that insofar as “God will not die, a person conceived as an indwelling spark of God, will not die either.”¹¹ The *okra* is considered the life force that enables organisms to be alive. Thus, as both Gyekye and Wiredu argue, all persons hold an intrinsic value that entitles each of them to a basic level of respect and dignity simply because one is human.¹² To see what types of rights, duties, and responsibilities one may have in society (in virtue of being a member of society and also as a person deserving of respect), we need to understand the place of an individual within the larger African community. Let us look at how an individual is raised in the Yoruba community, as an example.

A Yoruba baby, with the potential of becoming a full and real person,¹³ is born and interacts with all mothers of the community except her own. I say that a person is made up of those who created her because in addition to the God-given principle *okra*, the *mogya* component “come[s] from the mother and is the basis of lineage, or clan identity.”¹⁴ Both the *mogya* from the mother

⁵I use God interchangeably with the African conception of the Supreme Being to the extent that God is the creator of all things and all things therefore have a piece of God as its essence.

⁶I acknowledge that Kwame Gyekye and Kwasi Wiredu have different views on what *okra* means. Specifically, Wiredu believes an individual receives her destiny from God; whereas, Gyekye does not think “that the concept of destiny is an essential feature of the Akan definition of the soul.” (Gyekye, *An Essay on African Philosophical Thought: the Akan Conceptual Scheme*, p. 85). For the purpose of my essay, this difference plays little to no role, as all I want to point out is that one of the elements of being a human is the *okra* given by the Supreme Being who created all people.

⁷I note that Gyekye holds a dualist and interactionist view of Akan’s conception of a person such that he believes the *sunsum* to be an active part of the *okra*, but for simplicity sake, the distinction between *okra* and *sunsum* is to be held as representing a God-given spark that enables life and personality, respectively.

⁸Wiredu, p. 158.

⁹Gyekye, *An Essay on African Philosophical Thought: the Akan Conceptual Scheme*, p. 89.

¹⁰Wiredu says the last component to a person is *mogya* meaning “blood” (Wiredu, p. 157); while Gyekye believes the third element to a person as being more general – it is the physical body, a fusion of both the *ntoro* (semen) from the father and *mogya* from the mother (Gyekye, *An Essay on African Philosophical Thought: the Akan Conceptual Scheme*, p. 94).

¹¹*Ibid.*, p. 100.

¹²Wiredu, p. 158.

¹³It is important to note here that while Wiredu and Ifeanyi A. Menkiti believe we can attain personhood (i.e. become more of a person), Gyekye believes each individual is complete and whole. I discuss this more later in my paper.

¹⁴Wiredu, pp. 157–158.

and *ntoro*¹⁵ from the father are responsible for inherited characteristics.¹⁶ Moreover, a child's name is determined based on the family she comes from and what the role of the family is in the context of the community, alongside other factors, to serve as a constant reminder of the newborn's membership in the family and circumstances of birth. The infant is thereby exposed to the history of her ancestors and their accomplishments so she may understand and internalize the significance of family, heritage, and communal values.¹⁷ The African conception of a person constitutes all those who contributed to what the individual is today and how one comes to be; namely, the parents, God, the society one lives in and others they interact with, and past events that shaped the community.

What does it mean to become more of a person, or a more real person? According to Gyekye, *sunsum* refers to a person's personality and traits, and a set of characteristics in a person's behaviour.¹⁸ It is the *sunsum* that allows us to critically think and act.¹⁹ The individual cannot change her *okra* or material body that she is instantiated in, but she can improve herself through good habits, appropriate use of her *sunsum*, and her ethics.²⁰ The Akan person, for example, can be trained and developed to be more ethical, but is still contingent on her capabilities. In this sense, the individual has the power to reform her behaviour and therefore has autonomy. However, she can only change so much as a person since her *okra* or destiny – and how she was born – are predetermined factors that she cannot control. As Wiredu suggests, “personhood is not something you are born with but something you achieve [...] depending on the degree of fulfillment of one's obligations to self, household, and community.”²¹ Indeed, a person, then, has the ability to grow her personhood by adhering to the values and rules of society. However, unlike Wiredu, Gyekye believes every human is a person and possesses moral worth by having a unique *okra*. Wiredu understands person in a descriptive²² and normative sense, which “implies the recognition that s/he has attained a certain status in the community.”²³ This, though it implies that a person must be a social creature, does not deny that a person is incomplete without community. Gyekye understands a person to be complete in and of herself, thus she is

¹⁵cf. (Gyekye, *An Essay on African Philosophical Thought: the Akan Conceptual Scheme*) for definitions.

¹⁶Ibid., p99.

¹⁷Gbadegesin, pp. 130–131.

¹⁸Gyekye, *An Essay on African Philosophical Thought: the Akan Conceptual Scheme*, p. 90.

¹⁹Ibid., p. 122.

²⁰Ibid.

²¹Wiredu, p. 160. Note that Gyekye and Wiredu have different interpretations of the *okra* and *sunsum* and thus, have different views on personhood. On one hand, Wiredu believes that personhood is obtained through hard work and adhering to social order, on the other, Gyekye believes each person is complete in and of herself, though he believes each person is not *socially* complete.

²²The descriptive definition of a person is someone who possesses *okra*, *mogya*, and *sunsum* (Wiredu, “Akan Perspective on Human Rights,” p.159).

²³Wiredu, p. 160.

self-sufficient, a person is not completed in the social context.²⁴ Despite these two opposing views, a person according to African thought must still grow socially, whether the motivation is, as per Wiredu, to become more of a person over time; or to become socially complete, as per Gyekye. In order to see how an individual can grow as a person, we shall turn to what one's duties are in regards to herself, her family, and the society she finds herself in. The individual is defined in relation to those around her because the community is what gives the individual opportunities and the environment to grow: "A person comes to know who she is in the context of relationships with others, not as an isolated lonely star [therefore] a person's identity derives [partly] from a cultural context."²⁵ As a human who descends from heaven, the human descends into a human society.²⁶ This then means that we rely on each other. Human nature necessitates the existence of other human beings that we can interact with because "the individual's capacities are not sufficient to meet basic human requirements."²⁷ The emergence of a community is therefore inevitable and necessary for further human development; the importance of the community to the individual is undeniable.

The individual is also equally as important to the community because it is the individual who constitutes a society. In recognizing that humans are born into a family and society of people, a community can thrive only when "every member is expected to consider him/herself as an integral part of the whole and to play an appropriate role towards the good of all."²⁸ The relationship between an individual and the society she lives in is thereby a symbiotic one; what is good for the individual is good for the group, and vice versa. The rules and values within a society are determined by what is good, where "the sole criterion of goodness is the welfare or well-being of the community [...]. The good is identical with the welfare of the society, which is expected to include the welfare of the individual."²⁹ Such rules are established because if it protects the individual, it protects the community. Elvis Imafidon correctly states,

The internalization of these communal values [such as sharing, interdependence, solidarity, reciprocal obligation, etc.] into the individual [...] helps in making the individual the person he is, in the normative, social sense, and in turn ensures for social order or control in the community.³⁰

²⁴Gyekye recognizes that "the individual person [has] no life of his/her own socially [because] even though complete in his/her nature, the human person has needs and hopes which can be realized only within the community of other persons. Socially, then, he/she remains incomplete." Ibid.

²⁵Gyekye, "Person and Community: In Defense of Moderate Communitarianism", p. 43.

²⁶A popular African proverb translated from *onipa firi soro besi a, obesis ponipa kurom* (Gyekye, *An Essay on African Philosophical Thought: the Akan Conceptual Scheme*, p. 150).

²⁷Ibid.

²⁸Gbadegesin, p. 132.

²⁹Gyekye, *An Essay on African Philosophical Thought: the Akan Conceptual Scheme*, p. 132.

³⁰Imafidon, p. 9.

This is what I take Wiredu to mean in terms of becoming more of a person normatively, and Gyekye to mean that a person can realize her full potential and human capacities by developing socially.³¹ Thus, Gyekye reconciles the tension between individualism and communalism by stressing the intertwining relationship between a person and the larger society she is embedded in. Gyekye recognizes that a person is sufficient by means of being a child of God, yet they will require interactions with other social beings to grow.

What do I mean when I speak of human rights and how does it relate to the individual and the community? I am not so much concerned with positive or negative rights, or the duty of the state. Rather, I am focusing here on the fundamental moral rights an individual has in virtue of being a human being. Drawing from H.L.A Hart, these general rights are “rights that persons possess independently of any social convention or practice. They are grounded in respect for persons’ humanity.”³² We treat other fellow humans with a sort of respect because they are another human being like us. There exists some baseline for treatment of another person where once one falls short of or below, is considered dehumanizing. These moral thresholds, as Henry Shue defines it, are basic rights that specify the line beneath which no one is allowed to sink.³³ On this view, it seems reasonable to accept that every person is entitled to a certain level of respect, such that they are allowed to express her individuality, and accorded opportunities to flourish as a human being. Moreover, as Richard Pildes points out, these types of rights “emanate from some conception of self [and] demarcate spheres of belief and conduct insulated from majoritarian preferences to enable fundamental attributes of that self to develop.”³⁴

Thus, it is not surprising that a main critique of communalism is that the social theory puts too much weight on communal values, such that it overrides the individual’s. A supporter of this view against communalism, Ifeanyi A. Menkiti, believes “the reality of the community takes precedence [over] the reality of individual life.”³⁵ He takes Wiredu’s definition of personhood and states that, “as far as African societies are concerned, personhood is something at which individuals could fail at ... It is the community which defines the person as a person, not some isolated static quality of rationality, will, or memory.”³⁶

In response to this, I believe Gyekye would argue that although a society helps shape a person’s identity, each person is a unique individual, a person, solely because one is human. They are complete in their being, in virtue of their *okra*. He states, “A human person is a person whatever his/her age or social status. Personhood is thus not acquired or yet to be achieved.”³⁷ Thus, the intuitive and false dichotomy between communalism and individualism

³¹Gyekye, *An Essay on African Philosophical Thought: the Akan Conceptual Scheme*, p. 156.

³²Caney, p. 164.

³³*Ibid.*, p. 165.

³⁴Pildes, p. 311.

³⁵Menkiti, p. 171.

³⁶*Ibid.*, pp. 172–173.

³⁷Gyekye, “Person and Community in African Thought”.

seems to rest upon the wrong assumption that an individual's welfare takes precedence over the welfare of the community, or vice versa. Indeed, such "fundamental [individual] rights [are often] seen as competing with collective goals, and require weighty considerations to override them;"³⁸ but as I have argued in this essay, a Yoruba and Akan conception of personhood allows room for both.

Furthermore in his paper, Menkiti correctly says a community is not an aggregated sum of the individuals comprising it³⁹ but he fails to acknowledge that what is good for the community is the same as what is good for the individual. He claims that "priority is given to the duties which individuals owe to the collective, and the [individuals'] rights, whatever these may be, are seen as secondary."⁴⁰ It is said that the common good of the society justifiably trumps individual rights, but the tension exists in the belief that the common good is different from what would help an individual prosper. This is, again, a false belief. For what is good for the individual is what is good for all, and vice versa. The African child is raised in such a way that she cannot extricate herself as a social animal, she is not a lone atom, and cannot see herself as anything apart from her community.⁴¹

Under the social theory of communalism, communities value an individual's thoughts, feelings, values, dignity, etc. Likewise, individuals value the community. There is equal worth between the person and her community. Based on the Yoruba and Akan conception of personhood, one is born into an existing community, involuntarily, and is thereby a social creature by definition. At the same time, because humans are created by the Supreme Being and thus have intrinsic worth, "the dignity or worth of the individual cannot be diminished by natural membership in the community;"⁴² that is, an individual cannot be defined wholly by society nor is she given moral worth based on how well she conforms to her society's rules. In examining Gyekye's account of personhood, I hope to have explained some implications the African conception of personhood has for an individual's ethics, and elucidated that one is responsible for promoting the general welfare of the community she is in as well as her own. Based on how they define personal identity, the individual remains dignified when promoting the welfare of herself and the community, as it is one and the same. This sameness is what allows communalism to both protect the rights of the individual, and of the community.

³⁸Ibid.

³⁹Menkiti, p. 179.

⁴⁰Ibid., p. 180.

⁴¹Gbadegesin, p. 131.

⁴²Gyekye, "Person and Community: In Defense of Moderate Communitarianism", p. 63.

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A NECESSARY EVIL?: SELF-DECEPTION'S MORAL AMBIGUITY

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Keywords: *Ethics, Morality of Deception, Marcia Baron.*

In “What is Wrong With Self-Deception?,” Marcia Baron argues that self-deception and deception of others are not morally wrong for the same reasons. Deception is considered to be morally wrong even when not harmful because, even when the deceit is benign, the deceived loses their autonomy. Similarly, self-deception undermines the agency of the deceived. However, in the case of self-deception, the deceiver and the deceived are the same person. Thus, Baron concludes that the wrongness of self-deception arises not from the loss of agency, but from the refusal to take responsibility for one’s own agency. In this paper, I will uphold Baron’s conclusion that the evasion of responsibility for oneself as an agent makes self-deception morally wrong, but I will argue that this evasion arises only in cases of extreme self-deception, and, thus, self-deception is not necessarily morally wrong.

I. SELF-DECEPTION

Before I discuss the moral consequences of self-deception, I will explain Baron’s concept of what self-deception is and how it is possible. Self-deception differs from a simple mistake for two main reasons. First, the truth must be easily apparent to the individual engaging in self-deception. In order for an individual to lie about the truth, she must know what the actual truth is. Second, the deception must have a purpose. The individual must be motivated to believe the deception. Baron provides the example of an alcoholic to illustrate these two conditions. The alcoholic deceives himself into believing that he is “just someone who really likes to have a good time, hang loose, and enjoy a good drink and a pleasant stupor,” despite knowing that his behaviors clearly align with the behavior patterns of an alcoholic.¹ In this case, both conditions are satisfied. The truth about his condition is obvious, and he is instead choosing to believe a false case, because that will help ease his embarrassment and

¹Baron, p. 432.

concern. Thus, when the alcoholic says that he “do[es not] have to drink and could quit if I wanted to,”² he is engaging in self-deception.

II. DECEPTION OF OTHERS

In order to examine what is morally wrong with self-deception, I will first explore what is morally wrong with deceiving others. The act of lying is inherently manipulative because one individual is “leading another to believe something false.”³ By lying, the deceiver is choosing what the deceived will believe and, in so doing, is denying them their autonomy. The most wrong aspect of deceit is, however, “the affront to the other’s agency.”⁴ The manipulation involved in deceit “undermines the other’s agency,” because the deceived person is being treated “not as an agent but as a subject to be pushed or pulled in the direction one thinks best.”⁵ Thus, even when the deceit is beneficial for the deceived, the removal of autonomy demonstrates disrespect for the agency of the deceived individual.

In some cases, contextual elements can, on balance, make specific acts of lying morally permissible even in the face of the wrongness of lying in itself. There are at least three types of cases in which lying seem morally permissible: (1) when the lie prevents harm to someone by the deceived, (2) when the lie benefits the deceived, and (3) when the lie neither benefits nor harms the deceived. In the first case, for example, if a kidnapper asked which way the child ran, lying to the kidnapper would be considered a morally correct action, because the moral good of saving the child’s life outweighs the disrespect for the kidnapper’s agency. In this case, lying is justified because it prevents a morally worse act from occurring. In other cases, the deceit can actually be beneficial to the deceived. In the second case, for example, during a swim race, a swimmer relies on her teammate to know if she is swimming at the correct pace. The teammate falsely tells the swimmer she is going too slowly, so that the swimmer will swim faster, and the swimmer breaks her own personal record. In this case, the deceit was beneficial to the person being deceived. Therefore, despite its inherently manipulative nature and affront to another’s agency, lying can sometimes be justifiably the morally correct action.

III. WHAT IS WRONG WITH SELF-DECEPTION?

Like deceit of others, self-deception can also range from harmful to benign. Baron provides several examples of cases of beneficial self-deception. For example, “the AIDS victim who deceives himself into believing that his chances of recovery are at least fifty-fifty” will be happier than one who resigns

²Baron, p. 432.

³Ibid., p. 435.

⁴Ibid.

⁵Ibid., pp. 435–436.

himself to his true odds.⁶ In this case, the self-deception does not worsen the actuality of the situation and improves his outlook on the situation. Thus, in this case, the self-deception can clearly be classified as benign. Baron's second example is "the Salvadoran who convinces himself that his sister escaped into the mountains or fled to Mexico, and was not, despite the evidence, tortured and killed by the army's death squads."⁷ Again, in this case, believing the self-deception will not worsen the actuality of the situation and will improve the Salvadoran's life by giving him a happier outlook.

Examples such as this provide us with an issue. While lying in itself is clearly morally wrong, the idea of wronging yourself through self-deception is not as clear. The two moral offenses of deceit of others, manipulation and affront to another's agency, do not clearly apply to self-deception. An individual cannot manipulate herself or offend her own sense of agency, so the idea of wronging oneself in this way is problematic. Thus, the measure of how wrong self-deception cannot be measured without reference to the harm done to others. Therefore, in cases where self-deception does not harm others, self-deception is fully morally permissible.

Baron posits that self-deception causes harm in two ways. First, self-deception becomes a habitual behavior. Once an individual uses self-deception to avoid hardship or responsibility, the individual will be more likely to turn to self-deception again. Individuals will tend to choose the easiest, most painless method of solving an issue. Baron notes that "someone whose resistance to self-deception has worn down is more likely to accept convenient, self-serving jingles, rather than explore troubling complexities."⁸ Thus, once the individual views self-deception as a method of avoiding a problem without taking responsibility, the individual will be more and more likely to fall back on self-deception. Reliance on self-deception becomes harmful to the self-deceiver when the individual no longer attempts to uncover the truth regarding issues in their life.

The second way self-deception causes harm results from what Baron describes as the "rippling effect."⁹ In order for an individual to uphold his self-deception, he must continue to broaden and expand his original deceit. For example, for an individual to "uphold [his] belief that p , [he] must reinterpret various phenomena so as to induce a belief that not- q (despite the signs that q is true)."¹⁰ This leads the individual down a dangerous spiral, because "to disregard or reinterpret the evidence that q , [the individual] must believe r , and so on."¹¹ The individual must "deceive [themselves] more and more lest the earlier self-deception emerge in its true colors."¹² Thus, the true harm from self-deception comes not from the original deception, but from the need for

⁶Ibid., p. 433.

⁷Ibid.

⁸Ibid., p. 439.

⁹Ibid., p. 434.

¹⁰Ibid.

¹¹Ibid.

¹²Ibid., p. 438.

further deceit. The continuing deceit magnifies the harm done to the individual as they further distance themselves from reality.

These two behavioral changes result in the undermining of the individual's agency. This loss of agency is the most harmful consequence of self-deception. Baron argues that this habit of only looking for information that supports the self-deception and ignoring information that threatens the deceit "corrupts [the] belief-forming process."¹³ By building entire structures of belief to support the original self-deceit and discounting information that would require thinking, the maintenance of self-deception "erod[es] tendencies [of] open-minded reflection and.. self-scrutiny."¹⁴ Thus, the "greatest evil" of self-deception is the "refus[al] to call into question one's beliefs ...[or] engage in self-scrutiny."¹⁵ This harm spreads beyond the damage done to the individual.

Often, this lack of self-reflection accompanies "a tendency not to notice that what one does or how one lives has profound and far-reaching effects on others."¹⁶ Baron provides the example of a smoker who is struggling with finances, relationships, and health. Rather than undergoing the process of reflective self-scrutiny, the smoker gets into the habit of deceiving himself into believing external factors are to blame for his problems. For example, he could choose to believe that his friends who live tranquil lives are truly in just as much disarray as he is. Instead of reflecting on his role in causing his crises, the individual "blames [his problems] on his ex-wife or on the former marriage."¹⁷ For the issues that happened before his marriage, the smoker may blame "his allergies," thus still avoiding reflecting on his character as a possible cause of all of his problems.¹⁸ The individual blames his allergies for making him "irritable, unable to function well at work, and too unhappy to get his finances in order."¹⁹ In order to support this belief, the individual seeks out a doctor who will support his ideas, switching away from doctors who do not support his ideas. His allergies are not known well enough to avoid, such as specific foods or seasons. Instead his beliefs about the allergies change to aid his self-deception. This failure to take responsibility for his agency results in a failure to change his character and fix the disarray in his life, which does harm to those close to him. His ex-wife suffers the emotional burden of being blamed for their failed marriage, and his close friends who try to communicate concern about his smoking habit also risk losing his friendship. The self-deceiver's evasion of responsibility is part of what makes self-deception wrong. Self-deception can ultimately result in a "shirking [of] responsibility," thus resulting in "an evasion of something that one has no right to evade."²⁰ Although this individual originally made a choice to find reasons (other than his smoking

¹³Baron, p. 434.

¹⁴Ibid., p. 439.

¹⁵Ibid., p. 444.

¹⁶Ibid.

¹⁷Ibid., p. 438.

¹⁸Ibid.

¹⁹Ibid.

²⁰Ibid., p. 440.

habit) to explain the consequences of his smoking habits, over time as he becomes used to relying on and explaining his beliefs, he will be more likely to fully believe his reasons. Thus, his agency will be eroded by his continued self-deception. Over time, as his agency erodes, the extent to which he has control over his actions might also be said to decrease, which would in turn decrease the extent to which he is morally responsible for his actions. While epistemic limits make self-deception potentially unavoidable, careful scrutiny of his own actions could have limited the extent to which his agency was eroded. Therefore, he is still morally responsible for his actions and the harm done to his close friends and family.

IV. WHEN IS SELF-DECEPTION PERMISSIBLE?

However, not all self-deception results in this extended evasion of responsibility. Individuals can also use self-deception in isolated cases without allowing the deceit to spread and without doing any harm to others. Baron provides the example of a gardener who mistakenly plants a row of leeks exactly where she had planted one a week earlier. The gardener decides “the row [she] planted wasn’t here, but there, to the left” and that “these are weeds or . . . [that] [she] spilled a few of the seeds when [she] planted last week.”²¹ This self-deception does not inhibit her ability to remedy the situation and her self-deception will not be motivated strongly enough to prevent her from reflecting on the situation more clearly once she is not as “hot and exhausted.”²² Because a self-deceiver must by definition know the truth of which she is deceiving herself, minor discrete instances of self-deception do not undermine her agency because they do not prevent her from reconsidering their situation in light of the correct information (which she possesses) in the same way it does when I deceive somebody else. Therefore, as in the case of the gardener, small, isolate cases of self-deception are not morally wrong.

Thus, self-deception is only wrong when the deceit is allowed to spread into other aspects of belief and evade responsibility. Since self-deception is wrong only by virtue of the fact that it is often accompanied by evasion of responsibility, the conclusion that self-deception is morally wrong is as mistaken as concluding that because strawberries are sometimes served with cream, they can never be served without it. In fact, self-deception is often instrumental in helping “to make sense out of our lives.”²³ For example, “one book on how to recover after a divorce recommends telling oneself a story, almost any story, about why it was that the marriage failed.”²⁴ Deciding on what happened can be crucial to moving on to the next stage of life. Even in everyday life, “one can’t very well turn one’s eyes so as to take in and

²¹Ibid., p. 439.

²²Ibid.

²³Ibid., p. 442.

²⁴Ibid.

attend to everything.”²⁵ Self-deception can provide a method for choosing the most helpful explanation for past actions. For example, if a relationship failed because one individual cheated on the other, the one who got cheated on can decide that her partner was not was capable of monogamy rather than choosing to believe that her partner no longer loved her (even though her partner immediately started a long term relationship with the other girl). Thus, self-deception can be essential in overcoming the pain of past emotional trauma.

Simply because self-deception is nearly impossible to avoid does not mean that the damage done by self-deception is also unavoidable. Continuing to self-reflect and scrutinize beliefs will reduce the spread of the “rippling effect” and, thus, minimize the damage done by self-deception. By remaining focused on critical evaluation of beliefs, the individual can maintain responsibility for his agency. Self-deception that does not inhibit the individual’s ability to critically analyze his beliefs and actions does not cause the far-reaching harm or result in the evasion of responsibility for one’s agency. Thus, this level of self-deception is not morally wrong because the individual is still taking responsibility for her previous decisions.

Furthermore, self-deception can be beneficial in athletic and academic performance. Confidence in one’s own abilities, both in athletic competition and in academic testing, is essential for success. Thus, engaging in self-deception about one’s own athletic talent can help improve one’s performance in a game and self-deception about one’s intelligence can help improve one’s performance on an exam. However, the benefit of self-deception in these arenas is limited by the individual’s actual skill. If an individual decides part way through a tennis match that she is as good as Roger Federer and starts hitting one-handed backhands (even though she trained a two-handed backhand), her self-deception will not be beneficial to the outcome of the match. Similarly, an individual who has not studied a foreign language but decides that she is fluent in the language will not be able to achieve a perfect score on a test in that language. Rather self-deception can be beneficial in these arenas when the individual does not allow the self-deception to hamper her preparation or extend beyond reasonable boundaries. In order to prevent this, she should reflect in thoughtful scrutiny of her performance after engaging in self-deception to analyze and reflect on outcome and what should be done better.

V. OBJECTIONS

One objection that could be raised against this conclusion is the failure to account for the risk of corrosion of self-reflection from self-deception. Since I argued that one source of the harm from self-deceit comes from the habit-forming nature of relying on self-deceit, all self-deceit, no matter how small, should then be classified as harmful. For example, a child who sneaks a cookie

²⁵Baron, p. 443.

from the jar before dinner once, is likely to do it again, if they do not face consequences. Similarly, an individual who has found that self-deception can ease the pain of small failures, may turn to self-deception more readily when events end poorly for her.

However, self-deception that allows for critical analysis of the self-deception itself allows the individual to acknowledge such self-deception. Thus, the individual will be no more prone to self-deception than someone who did not engage in it in the first place. In fact, the individual will be more aware of the fact that they used self-deception and may even be more wary of using self-deception in larger projects. The individual who chose to use self-deception to move past smaller failures, but then reflects on her own use of self-deception and recognizes the danger of turning to self-deception will be more willing to engage in the sometimes painful practice of honest reflection than an individual who has never reflected on the dangers of self-deception.

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AHA! A SUCCESSFUL ATTACK ON INDEPENDENCE

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Keywords: *Epistemology of Disagreement, Michael Arsenault, Zachary Irving, David Christensen.*

I. INTRODUCTION

When somebody disagrees with us, we often have good reason to doubt our beliefs. In many cases, disagreement can be explained by unequal evidence and cognitive ability, or inherent biases. If a world-renowned economist and I disagree about minimum wage, I should change my beliefs to align with hers. If you and I disagree on whether your child is the best violinist at her school, you are likely biased towards her talents because she is your daughter. These two examples are excluded as cases of real disagreement due to unequal evidence or cognitive imbalances. To truly engage with the epistemology of disagreement, philosophers idealize away from these asymmetries, and limit the debate to disagreement between epistemic peers. According to Thomas Kelly,¹ two individuals are epistemic peers if and only if they satisfy the following two conditions:

1. they are equals with respect to their familiarity with the evidence and arguments which bear on that question, and
2. they are equals with respect to general epistemic virtues such as intelligence, thoughtfulness, and freedom from bias.

Among epistemic peers, the question then becomes whether known disagreement must inevitably undermine the rationality of maintaining their respective views. For the most part, I will adopt David Christensen's view that if I believe *p*, and you believe *p*, we cannot remain steadfast in the face of disagreement. However, I want to bracket this prevailing debate, and focus on Michael Arsenault and Zachary Irving (A and I)'s article, "Aha! Trick Questions, Independence, and the Epistemology of Disagreement." A and I and Christensen hold opposing views on Independence, which concerns the criteria used in determining whether or not to revise one's belief *p*. The definition is as follows:

¹Kelly, pp. 10–11.

Independence Principle: In evaluating the epistemic credentials of another's expressed belief about p , in order to determine how (or whether) to alter my own belief about p , I should do so in a way that doesn't rely on the reasoning behind my initial belief about p .²

In other words, can the *reasoning* that contributed to one's initial credence in p be used as *evidence* to assess the reliability of the one who disagrees? Christensen argues against this line of thought; if one's reasoning is included as evidence, it leads to question begging, or a form of circular reasoning. For example, it begs the question when someone who believes p says: "Well, so-and-so disagrees with me about p . But since p is true, she's wrong about p ... so I needn't take her disagreement about p as any reason at all to question my belief."³

While A and I recognize that question begging is a concern, they argue that Independence fails to capture why. Specifically, they introduce the Trick Question Schema (TQS). TQS cases are exceptional in that they provide a situation where one is rational to violate Independence to dismiss a peer's disagreement. They argue that in cases where one's reasoning is embedded as an explanation for how a peer's flawed conclusion could be plausible, it is acceptable to violate Independence without engaging in circular reasoning. In this paper, I will introduce A and I's exceptional case for violating Independence, explain Christensen's objection, and at the end, bring up my own further justifications for violating Independence in TQS cases. Ultimately, I argue against Christensen's defense of Independence in the case of Tricky Primes. In these cases, first-order reasoning functions as an explanation for justifying higher-order reflection, and in fact, higher-order reflection relies upon the accuracy of first-order reasoning. Thus, in A and I's exceptional case, employing first-order reasoning is not circular but essential.

II. ARSENAULT AND IRVING'S COUNTER EXAMPLES: TRICK QUESTION SCHEMA (TQS)

A and I introduce the Trick Question Schema (TQS) as the exception case for when it is permissible to violate Independence. An example is the Tricky Primes Question with a decoy answer. Suppose you and your friend have been studying for GRE math together, and you have always gotten roughly the same score with roughly the same chance of answering trick questions correctly. One day, when working on a practice test separately, the following question appears:

Tricky Primes: Which is greater?

²Christensen, p. 2.

³Ibid.

- A. The probability of obtaining an even number on one die and an odd number on the other when two unbiased dice are thrown.
- B. The probability of obtaining an even number on one die and a prime number on the other when two unbiased dice are thrown.
- C. Neither, because $A = B$.

The decoy answer is *C*, and the correct answer is *A*. Understandably, *C* traps the people who mistakenly assume that since there are three evens and three odds on a die (*A*), there are also three evens and three primes (*B*). So, *A* and *B* seem equal: $A = B = [(3 \times 3) + (3 \times 3)]/36 = 1/2$. Yet, in calculating *B*, 2 was double-counted as an even and again as a prime. So, one would now subtract an instantiation of 2, and *B* is now calculated by, $(18/36) - (1/36) = 17/36$, which is less than *A*, or $1/2$.⁴

While working on this problem, suppose you demonstrate the reasoning above: you choose *C* first then switch to *A*. When comparing answers, your friend gets *C*. Intuitively, you should reduce your credence in *A* only slightly, if at all, in response to finding out your friend fell for the decoy answer. The step in your first-order reasoning, or process of mathematical calculation, where you caught the trick gives you evidence that an epistemic peer could likely fall for it too. It follows that Tricky Primes violates Independence because you must rely on first-order reasoning as evidence that you are in an instance of TQS; on this basis, you dismiss the evidence provided by your friend's disagreement.

III. CHRISTENSEN'S OBJECTION

A and I anticipate several objections to how TQS permissibly violates Independence. I will focus primarily on the first, most substantive objection: opponents show that in Tricky Primes you can dismiss your friend's disagreement by appealing to something other than first-order reasoning. Christensen defends the first objection.⁵ He argues that you are using second-order reasoning to dismiss your peer, and not actually violating Independence. Second or higher-order reasoning is reflection upon or facts about first-order evidence, the actual math of solving the problem. In other words, while you are doing the problem, you may recognize a pattern in your reasoning. You read the problem, and are immediately drawn to an obvious answer. However, you then spot the trick that makes the obvious answer incorrect. So, you correct your mistake and pick the right answer. This mental process takes place beyond the mere math you performed, as your higher-level thinking hints to you that you are in an instance of TQS. Put differently, pattern recognition is independent of your original reasoning. As such, you dismiss your peer on the basis of

⁴Arsenault and Irving, p. 3.

⁵Christensen, p. 2.

second-order reflections *about* the general course your first-order reasoning took, rather than on its math content.

Another way to object to A and I's Tricky Primes is determining that you are in a TQS case in advance of seeing the problem, because Independence is proving instances without first-order reasoning. For example, before you even look at Tricky Primes, if someone asked: "If you do this problem and realize you're in TQS, but when comparing answers your friend announces the decoy answer, who'd be right?" Considering your respective track records, you answer you would be right. In this case, you have dismissed your peer's disagreement on pattern recognition of TQS and the higher-order fact there is a greater chance that you will be correct alone before reasoning at all.

To differentiate their interpretation from Christensen's, A and I argue that thinking there is a trick is another step in your math reasoning, rather than higher-order fact about your reasoning taking a characteristically tricky course. For A and I, the logical analysis of each mathematical procedure factors into seeing the trick. With this in mind, upon exchanging answers, it is perfectly natural to appeal to the first-order math trick your peer fell for – 'Aha! He double-counted 2 and I didn't!'⁶ In other words, there is no rational pressure to retreat to second-order fact that you are in an instance of TQS. Furthermore, A and I argue that even if Christensen's second-order reflection holds, it does not preclude first-order reasoning from being used as additional evidence to verify your answer; if this view is true, Independence falls, as second-order fact is not the only basis for dismissing your peer.

If you wanted to verify your answer, you would seek out the fact of the matter. Rather than accept Christensen's thesis of dismissing your peer on the grounds how things *seem* to you, you would want to know if you are *actually* in TQS with decoy answer C. The only logical way to do this is to walk through your math proofs again and ensure that your reasoning caught the trick, since you have no reason to believe your epistemic peer would miss the error. For example, you may have mistaken C for the decoy answer when it is actually right, because you subtracted incorrectly and tricked yourself into thinking you are in an instance of TQS. To double-check, you would revisit the step where you avoided the double-count: you must subtract the combination where 2 appears on both dice (to avoid counting it as even then again as prime). The subtle insight is as follows: $B = 17/36 < A$. This step where you catch the trick allows you to *both* verify your first-order reasoning that $A > B$ and explain why your peer could get the decoy. Importantly, generalization from a specific trick to concluding you are in an instance of TQS is not question-begging, as the math reasoning is cogent, and has double functions of verifying your math and explaining your peer's mistake.

To conclude this section, the key distinction between the two sides is as follows: whereas Christensen thinks pattern recognition (second-order) takes place outside math calculations (first-order), A and I argue that recognition

⁶Arsenault and Irving, p. 3.

is another step in your calculations, and offers an explanation for your peer's shortfall. Christensen's interpretation does not violate Independence, while A and I's does. In the last part of this paper, I will side with A and I after walking through my own worries with Christensen's view.

IV. FURTHER JUSTIFICATION FOR VIOLATING INDEPENDENCE

I want to extend some of some A and I's concerns, and further argue that violating Independence is permissible in cases of TQS. First, I will explore situations where there is no precedence or knowledge about an epistemic peer, in which case, one cannot draw second-order facts from past track records. Then, I will concede that even if Christensen is correct about TQS as cases of pattern recognition drawn from second-order facts, they are reliant upon first-order reasoning. Second-order facts cannot be fully supported unless one determines the specific step in first-order reasoning that identifies the trick and offers an explanation for a peer's mistake. In other words, first-order math can still be used as additional evidence. Thus far, both A and I and Christensen accept that when people disagree in a TQS case, the person who identifies the tricky step is more likely to be correct. This is important because it allows you to draw on independent second-order fact based on precedence to dismiss your peer, without ever referencing your original reasons for choosing C. However, the situation gets more complicated when there is no track record of knowing each other's performance on GRE questions. Suppose there are two epistemic peers who have never met are doing a practice GRE next to each other. They assume they are equally intelligent and solve a "tricky" math problem separately. Both recognize a trick in the problem, but there is one minute left in the test and panic kicks in. Despite both seeing the trick, they choose different answers because one of them made an error and picks the decoy answer in a haste; the other gets it right. At this point, the two people share their answers. Now, dismissing your peer based second-order reflections about the general course your first-order reasoning took becomes more unlikely, since you do not know who is better at tricky questions, or who is actually right. Despite this, Christensen could still defend his view. Even if there is no track record, you could still think you are right for spotting the decoy, and remain steadfast in your answer. Similarly, the other person could also think that, and dismiss you based on their separate second-order reflection. According to Christensen, both parties remaining steadfast on the basis of similar second-order conclusions is acceptable, and this case still satisfies Independence. Moreover, Christensen could also respond that in this case, if you are not that confident, you might be better off changing your belief to match your peer's anyway.

Despite Christensen's possible response, I argue that to seek the fact of the matter about who is right, one must review first-order math steps. By extending the above scenario, I attempt to show how second-order reasoning

could be crucially reliant on first-order reasoning. Thus far, the setup has been either spotting or falling for the trick with no in between. However, one who suspects a case of TQS should be given more credit than someone who does not at all, even if she is not 100 percent confident. Those who feel the inkling of intuition veering away from the tricky answer should be set apart than those unsuspecting. For example, consider this: at the end of a test you think you spot a trick and second-order pattern recognition hints you are in a case of TQS, but you have only fifteen seconds to do the math and find the right answer. This last-minute scramble is all too familiar, and with inadequate time to fully solve the problem, your math intuition points to an answer you hope is right, while avoiding what you think is the decoy. But because you did not take the time to solve the problem, you cannot be 100 percent sure that there actually is a trick, and that you are in a TQS case. In these stress scenarios, it seems that your confidence in second-order reasoning hinges upon your first-order math content. In other words, whether you can conclude that you are in TQS depends on how likely you are to have performed math correctly.

Moreover, the second-order intuition that hints you might be in a TQS case is distinct from the first-order math reasoning. For example, you could think: "I'm more likely to be right in identifying a case of TQS than I am in getting the right answer." By separating the first and second order reasoning, I have shown that without confidence in your first-order reasoning, you are unlikely to draw conclusive second-order facts.

Even if second-order facts are not reliant upon first-order reasoning, A and I's point that first-order math can be used as additional evidence still stands. Another way to look at the above example is that in the moment, you have no reason to suspect that you are better at math than your peer, so you cannot be any more likely to draw a second-order response than she is. To justify remaining steadfast in your answer, you are much more likely to lean towards your own math content than risk drawing second-order facts that may be incorrect. Thus, to dismiss your peer, it seems unreasonable to rely solely on second-order reasoning because you spotted the decoy. Rather, you dismiss your peer after running through your math steps in your head to see if they can justify your conclusion that you are actually in TQS. Thus, only after crystalizing your first-order reasoning and reviewing whether your handling of the tricky step was correct, can you then draw conclusions about whether to dismiss your peer's disagreement. Because you cannot bracket first-order reasoning as Christensen suggests, second-order reasoning proves unreliable. Therefore, violating Independence, or using first-order reasoning, to dismiss a peer's disagreement is necessary and permissible in this extended A and I scenario.

Ultimately, while my extended case does not necessarily defeat Christensen's initial objection, it weakens his argument by limiting the number of cases where drawing second-order reflections seems intuitively correct rather than relying on math content. My extended example also obscures the line

between the clear-cut opposites of knowing for sure it is TQS, and missing the trick altogether; people are often half-sure that they are in a TQS case, since they suspect something is wrong, but cannot confidently justify the tricky step. The gradient cases make people reluctant to change their beliefs, since they have some intuition that it is a TQS case and are in a better position to remain resolute than people who never suspected they were tricked. In this sense, to rationalize remaining steadfast, half-confident people would want to verify their math rather than rely on second-order reflection. Upon sharing answers, you still have an explanation for the other person's disagreement. They missed the trick altogether, and have some inkling that there was a trick, or got the right answer. Because saying you found the decoy does not presuppose your reasoning's correctness, you rely on your own math to confirm, and violate Independence in the process. Thus, second-order reasoning depends upon first-order reasoning, and revisiting mathematical steps in these gradient cases is more intuitive.

V. CONCLUSION

Ultimately, Independence is meant to explain what's epistemically impermissible, while avoiding dismissing the evidence provided by disagreement due to circular reasoning. While A and I, and Christensen agree that second-order reasoning can be used to support dismissing evidence from disagreement, and that most of the time, Independence ought to be satisfied, A and I argue that TQS is an exception to permissibly violating Independence. In TQS cases, first-order reasoning is incorporated into an explanation that can overturn higher-order reasoning – namely, when you can explain why your friend is persuaded by the false premise you avoided. The power of A and I's Tricky Primes lies in its asymmetry: I did not fall make the mistake my friend did, and that I should have extra confidence in my answer when she falls for the decoy I avoided. Again, Christensen classifies TQS cases as question-begging, but combined with my own concerns about second-order reasoning, I am compelled to agree with A and I's exceptional cases for violating Independence.

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THE DEPRAVED HEART OF ABRAHAM: A DEFENSE OF IMMANUEL KANT'S SCRIPTURAL HERMENEUTIC

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Keywords: *Philosophy of Religion, Immanuel Kant, Genesis 22.*

In 2009, Stephen Palmquist and Philip McPherson Rudisill published a paper in *The Journal of Religion* titled “Three Perspectives on Abraham’s Defense against Kant’s Charge of Immoral Conduct.”¹ The essay is largely humorous, recounting with theatrics and biting sarcasm the imagined proceedings of Abraham’s day in the court of “Chief Justice, (Kantian) Reason [itself].” The defendant, Abraham, stands accused of immoral conduct by “prosecuting attorney” Immanuel Kant, while Palmquist and McPherson Rudisill (spoiler: it’s an underdog story) take on Abraham’s case pro-bono and claim to “refute Kant’s charges.”

Although their essay offers a great deal of historical insight into the question, I believe that the empirical approach they take fails to remain within the boundaries of Kant’s religion. Their absolution of Abraham is contingent on the ecclesiastic logic of historical faiths, and thus they conclude that “those followers of the three religious faiths who wish to interpret Abraham in this way are permitted to do so.”² It is not a question, however, of what each is or is not permitted to do – it should be no surprise that Abraham’s actions are consistent with the statutes of the Abrahamic faiths. If, on the other hand, Genesis 22 is interpreted in the court of “(Kantian) Reason,” then it is a question of interpretation within the limits of Kant’s rational religion.

As such, the thesis of this paper contends that the “sinner” interpretation of Abraham’s actions in Genesis 22 is both consistent with and necessarily a result of Kant’s system. To make this argument, I defend the view that revelation alongside moral religion in Kant is essential to the human practice of faith, because only in understanding the relationship between the two can we offer a consistent Kantian interpretation of Genesis 22. Firstly, I briefly outline some contextual elements surrounding the development of *Religion Within the Boundaries of Mere Reason*.³ Second, I describe the relationship

¹Palmquist and McPherson Rudisill, pp. 467–497.

²Ibid., p. 496.

³Henceforth *Religion*.

between faith and morality in Kant's critical system, and why Kant argues that a pure faith must be not the grounds of but an extension of moral principles – that it must be what Kant calls a “vehicle” for moral improvement and the development of an ethical community. Third, I describe the function of holy scripture in Kant's faith and defend the legitimacy of his system of scriptural hermeneutics. Finally, I put forth a defense of the “sinner” interpretation of Abraham's actions and consider some of the problems that arise in an approach like the one taken by Palmquist and McPherson Rudisill.

I. FAITH AND MORALITY IN KANT

I.A. THE MORAL ROOTS OF KANTIAN RELIGION

Immanuel Kant composed what is largely accepted as his most important work toward the end of the Enlightenment, when the authority of organized religion was coming increasingly under the scrutiny of certain intellectual groups, especially across Europe. The *Critique of Pure Reason*, the seminal critical-era Kant, was no deviation from this movement. The text's major project was devoted by and large to uncovering, with rational proofs, the limits of its namesake – human reason. It is not necessary to detail the project here in its method, but only its results. What his project accomplished was restricting the use of reason and as such *knowledge* to objects of sensible experience (appearances), a conclusion that extends to ecclesiastical faith by condemning what Kant calls purely speculative employment of reason, viz., claims of factual knowledge regarding possible supersensible objects. In Introduction [B] of the first *Critique*, Kant writes that in his project he had “found it necessary to deny knowledge, in order to make room for faith.”⁴

It is the unfortunate consequence that restricting speculative uses of reason would also mean that morality could not be derived from a divine will (and never could have been). Further, if good and evil were immanently determinable, the human would need ends to justify exercising their will, in the case that the good doesn't immediately bring happiness. It is on these grounds that Kant developed *Religion*. As he wrote: “[morality] inevitably leads to religion, and through religion it extends itself to the idea of a mighty moral lawgiver outside the human being, in whose will the ultimate end (of the creation of the world) is what can and at the same time ought to be the ultimate human end.”⁵ Kant's *Religion* thus marks a radical break between faith and political control, placing human autonomy at both the apex and foundations of an institution historically steeped in dogmatic heteronomy.

Kantian faith distinguishes itself from historical faiths – the latter of which generally *prescribe* moral principles in a “top-down” model – by grounding its precepts in what can be directly deduced from moral principles. Kant writes: “What is most important here, however, is that [God] rises out of morality

⁴Kant, *Critique of Pure Reason*, B xxx.

⁵Kant, *Religion*, 6:6.

and is not its foundation; that it is an end which to make one's own already presupposes ethical principles."⁶ If the basis of pure religion is given already in "ethical principles," then these constitute the essential elements of pure faith, and no accidental element (i.e. revelation) ought to contradict them. This is not to say that revelation has no place in Kantian religion: it is, in fact, crucial for the primary function of faith – though this is a focus of a later section. First, it is necessary to discuss the connection between faith and morality in action.

I.B. FAITH OPPOSITE SIN AND FAITH AS MYTHOS: THE RELATIONSHIP BETWEEN RATIONAL AND REVEALED RELIGION

In Kant's *Religion*, the term "faith" is used in two distinct contexts, illustrated in the following examples:

1. "We can say of the first that he complies with the law according to the letter (i.e. as regards the action commanded by the law); but of the second, that he observes it according to the *spirit* (the spirit of the moral law consists in the law being of itself a sufficient incentive). *Whatever is not of this faith is sin* (in attitude)."⁷
2. "There is only one (true) *religion*; but there can be several kinds of *faith*. – We can say, further, that in the various churches divided from one another because of the difference in their *kinds of faith*, one and the same true religion can nevertheless be met with."⁸

The former places faith opposite sin in singularity, wherein faith resembles moral good and sin moral evil. The latter places faith against faith, describing faith(s) in multiplicity. Here faith cannot resemble the moral law since the demand of the categorical imperative is singular, determinate, and universal. In a word, this is a question of what can be *found* and what must be *given* in a faith. The first use refers to rational principles, i.e., the pure moral doctrine, and so the word is used interchangeably with religion. The latter denotes what cannot be deduced logically by reason alone (or is not "universal"), i.e., what is represented in a particular faith (or historical religion) as revealed. It is an artifice, comprising all non-essential elements of faith (i.e. aesthetic imagery) which are linked in practice (i.e. in an ethical community) to the rational or moral faith. These are our two uses of the term: rational (pure) and revealed (aesthetic) faith respectively.

The question, of course, arises: "if pure religion is indistinct from pure moral principles, what is the purpose of distinguishing faith and moral advocacy?" This marks the two functions of faith: firstly, it incentivizes moral improvement between subjects, and secondly, it unites humanity in an ethical

⁶Ibid., 6:5.

⁷Ibid., 6:30.

⁸Ibid., 6:108.

community under shared moral consciousness (the fulfillment of humanity's moral duty to itself).⁹ Strictly speaking, of course, revelation is not essential to faith *itself*, but to the human practice of faith. Its use, however, is heavily restricted, for as Yirmiyahu Yovel suggests, Kant's *Critique of Religion*.¹⁰ is primarily driven toward the emancipation of autonomous humans from heteronomous theological authority.¹¹ In other words, the revealed element of a religion must never contradict but complement the pure, i.e., the moral law. Kant makes this distinction by noting "that a statutory ecclesiastical faith [must not be] added to the pure faith of religion as its vehicle."¹² In other words, the symbolic elements of faith cannot impose morally legislative statutes (e.g. "thou-shalts" and "thou-shalt-nots").

II. HOLY SCRIPTURE AND SCRIPTURAL EXEGESIS

Since faith has its grounds in moral principles, any adjoined ecclesiastical elements must not conflict with the moral law. Kant argues that these revealed elements must be in the form of scripture:

[W]e must also concede that the preservation of this pure faith unchanged, its universal and uniform diffusion, and even the respect for the revelation assumed within it, can hardly be adequately provided for through tradition, but only through scripture; which, again, as a revelation to present and future generations, must be the object of the highest respect, for this is what the human need requires in order to be certain of the duty to divine service.¹³

In Kant's faith, scripture "can command an authority equal to that of revelation,"¹⁴ and therein lies its greatest strength. Unavoidably, he continues, a church "sacrifices the most important mark of its truth, namely the legitimate claim to universality, whenever it bases itself on a faith of revelation which [...] is incapable of a transmission that commands conviction universally."¹⁵ Herein lies the catch-22 of Kantian faith: the practical ends of faith require a revealed element, yet, in setting ink to paper, a faith sacrifices its claim to universality and *ipso facto* renders its ends unattainable. Since scripture only has a practical function,¹⁶ and is essential in the success of a faith, the paradox must be resolved by a Kantian system of scriptural interpretation.

In other words, a mediating element is required in order to ensure this effective translation. As Kant argues, "to unite the foundation of a moral faith

⁹Kant, *Religion*, pp. 125–127, 128–129.

¹⁰Yovel's terms, though it is not unanimously agreed that *Religion* is a "Critique."

¹¹Yovel, p. 190.

¹²Kant, *Religion*, 6:107.

¹³(*ibid.*, 6:107) I must note that this passage does leave Kant open to a criticism with which I'd be inclined to agree, that while scripture may hold greater authority than tradition, we cannot necessarily privilege a formal text over and above other forms of symbolic mythos (e.g. folklore).

¹⁴*Ibid.*, 6:107.

¹⁵*Ibid.*, 6:109.

¹⁶Yovel, p. 190.

(be this faith an end or merely an auxiliary means) with such an empirical faith which, to all appearances, chance has dealt with us, we require an interpretation of the revelation we happen to have.” He continues: by this task we ought to develop “a thoroughgoing understanding of [the scripture] in a sense that harmonizes with the universal practical rules of a religion of pure reason.”¹⁷ While it is the job of a human to interpret scripture materially, it must be done impartially by the “supreme principle of exegesis,” the moral law.¹⁸

Yovel, mentioned above, suggests that Kant’s hermeneutical system seeks to “engender the moral meaning through a conscious falsification of the literal sense.”¹⁹ While “conscious falsification” slightly mischaracterizes the ends of scriptural exegesis, Yovel does effectively describe the method. He holds that Kant contends we manipulate scripture, but this doesn’t seem to be the case; the argument that an intentionally moral interpretation is a manipulation of the text bases itself on a pre-judgment that there is a correct (in this case, literal) interpretation of the text. He resolves this issue in contending that Kantian scriptural exegesis is itself grounded on an extension of the “Primacy of Practical Reason,” i.e., the justification for “Postulates” of practical reason. However, there may be justification to be skeptical of drawing this comparison. The postulates address a teleological need of the subject exercising reason (on the will): the primary necessity of ends for action. One of these, for example, is the idea of God, which offers a teleological incentive for morally good behavior. Scripture, in the Kantian faith, does not evidently address some teleological deficiency. Alex Englander, by contrast, contends that the use of scripture in faith is justified rather by a need of the reflecting power of judgment for an analogy in practical employment.²⁰ Scripture, unlike the practical postulates, is not intended to satisfy a teleological need of reason. Rather, it is to exemplify, in praise or condemnation, acts of moral agency so that an autonomous agent may develop their own cognitive principles of morality. In the words of a particularly wise gorilla: “You know the saying: human see, human do.”²¹ Duly noted, Julius.

Englander cites Kant’s discussion on the reflecting power of judgement in the third Critique: scripture “functions as a symbolic exhibition of [schematizable concepts] and it is judgment’s reflection on the two that is formally analogous.”²² If this is the role of scripture, then it is safe to disregard authorial intent in any interpretation of it. It is not the role of scripture to meaningfully furnish some teleological idea as if it were a concept of the understanding. This is the condemnable error made by statutory ecclesiastical faith. The role of scripture in a pure faith is and may only be to provide analogous principles for reflecting judgment. This process is explained by Kant: “The power of

¹⁷Kant, *Religion*, 6:110.

¹⁸*Ibid.*, 6:112.

¹⁹Yovel, p. 206.

²⁰Englander, pp. 303–304.

²¹Schaffner.

²²Englander, p. 310.

judgment performs a double task, first applying the concept to the object of sensible intuition, and then, second, applying the mere rule of reflection on that intuition to an entirely different object, of which the first is only the symbol.”²³ As a result, biblical interpretation must condemn anything inconsistent with what practical reason would naturally accept – with conviction – as the moral good.

As it were, the “Biblical savant, guided by philosophy,”²⁴ who interprets the scripture materially must not only have the reification of moral goodness and autonomy as their ends, but must as well derive meaning from it impartially (as best they can) as if it were interpreted by the pure faith itself. The interpretation must show moral improvement as faithful and condemn moral evil as sin, not explicitly, but only to offer a principle for moral reflection. In other words, scriptural interpretation must not command, but should rationally interpret for and with the community whether a given depiction was, in fact, of faith (morally good) or of sin (morally evil).

III. THE DEPRAVED HEART OF ABRAHAM

As the story goes, God commanded Abraham to venture to Mount Moriah, where he would sacrifice his son, Isaac, as a burned offering in a trial of his faith. Abraham complied. At the top of Mount Moriah, he bound his son, readied his blade, and, at the last moment, was compelled by God to stop. God commended Abraham for his faith and presented him with a sheep with which to make his burned offering.

An honest appraisal of this story raises three questions: 1) Was Abraham’s action freely willed?; 2) Is Abraham condemnable, given that he did not kill Isaac?; and 3) What does moral indictment say about Abraham? Is he simply confused, or fundamentally corrupt? The resolution of each of these questions is contingent on Abraham’s willed maxim. The first asks whether Abraham adopted his own maxim and as such is morally imputable for it. The second question asks whether the original adoption of a maxim is enough to condemn when the act was not completed. The third asks, if the maxim adopted by Abraham is indeed morally evil, how deeply rooted it is in his will.

III.A. THE VALUE OF REVELATION: DOES THE DIRECT COMMAND OF GOD GRANT MORAL IMPUNITY?

To attribute a moral disposition to an agent, of course, the action in question must have been willed freely, as Kant himself contends, and for Abraham to have sinned, as noted, his act must be morally evil. This means that we must show that Abraham freely chose and adopted a morally evil maxim for action. A morally good action is one which is in harmony with the moral law. Since, however, the moral law cannot be given in full determination in appearances, the adoption of a maxim for action requires a moral judgement

²³Kant, *Critique of the Power of Judgement*, p. 311.

²⁴Yovel, p. 209.

which at once creates universalized maxims (ethical principles) and chooses one to adopt. After hearing God's command, Abraham is faced with a conflict of obligations: the first is his ethical duty to his son, Isaac, and the second is his duty to express his servitude to God.

It is highly difficult, if not impossible, to determine whether Abraham was in fact free at this exact time, and in this particular situation. Could God have commanded such a thing? Would Abraham have been wrong in disregarding the command of the highest, most holy, divine will? Any method of answering these questions would be, at the very least, not conducive to the production of proofs due to the supersensible nature of a deity. If there is such a divine will, with cognitive functions exceeding our own, hoping to rationalize its will is absurd. In any case, such a question is beyond the scope of this paper, if not of any inquiry, since it requires metaphysical factual knowledge. A more plausible approach to this dilemma is to look not at the maxims which Abraham could have adopted in this situation, but rather, at the original maxims that ground this choice.

The situational maxims, formulated below, are an example of conflicting obligations. Onora O'Neill insightfully writes, in her book *Acting on Principle*, that when Kantian duties are apparently in conflict, it is often that only one of the two obligations is actually a duty. In any case, such a conflict occurs when "the adoption of one *prima facie* obligatory maxim is incompatible with the adoption of another."²⁵ In this particular situation, we could write these maxims as 1) It is wrong to kill, and 2) It is wrong to disobey God. This conflict however, in isolation, is irresolvable if it is the case that God has commanded a murder. We can progress here, as noted, by taking a different approach, inspired in no small part by the one outlined by O'Neill in Chapter 7, section 2 of *Acting on Principle*. Consider that it is likely the case that these maxims are actually not the ones in conflict. Abraham could certainly adopt both if we take the voice to not have been God's – it was the voice of an evil spirit, we might say. It is yet not likely, however, that many would contend that Abraham would be free in this situation, and as such, morally imputable.

This, then, is why we must look at the maxims which are at the heart of such a choice. These maxims – mutually incompatible – can be written:

1. It is right to obey what appears a command of God even when it means committing what would otherwise be considered sin;
2. It is right to avoid committing what is known to be sin, even if it appears that God has commanded it.

Abraham chose the former, and we can condemn this for a number of reasons. Recall that the function of a Kantian faith is to promote moral improvement, and God (like all revelatory aspects of a faith), as Kant writes, is "only the idea of an object that unites within itself the formal condition of all such ends as we ought to have (duty) with everything which is conditional upon ends we

²⁵O'Neill, p. 260.

have and which conforms to duty,”²⁶ and, further, note Kant’s argument that any duty to God ought to be expressed only indirectly as a servitude.²⁷ This is to say, as noted above, that the duty to God is expressed only as actions done in the service of God, namely, actions done consistently with the “divine will,” which itself is a symbolic representation of the moral law.

This in mind, we find that the first maxim, which Abraham adopted, is itself a contradiction in terms: if God commands an action then it is his will, and if the God of a pure faith wills only the moral improvement of humanity, then any action he commands ought to promote morally good ends. The action commanded of Abraham, however, did not directly promote moral improvement (if it promoted it at all). If Kant’s perspective on scriptural exegesis is considered, any interpretation ought thus to condemn Abraham; if the teachings of the church only have ends in moral improvement, then the story of Abraham musn’t be taught as an exemplary act of faith. To do so would advocate belief in the weakness of humanity, on any account.

Firstly, the story of Abraham depicts the subjugation of human to divine reason; whether, ontologically speaking, a fundamentally higher reason exists, the depiction could only support a subversion of the capabilities of judgment inherent in every rational agent. A Kantian church would contradict its own values were it to hold human autonomy beneath an external sovereign; it would not promote cultivation of autonomous moral judgment (which it ought to), regardless of the scripture’s historical validity.

Further, let us consider the defense that, while God’s command was not immediately clear in promoting the moral good, the trial indirectly promoted the moral good by establishing a stronger faith in the good will of God (since, after all, God did present Abraham with the ram at the last moment). This argument, however, removes the highest powers of judgment from human reason, treating human rational faculties as potentially incapable of discerning the good for and by themselves. This type of ecclesiastical faith is what Kant calls “statutory,” and is entirely incompatible with his own. While revelation acts an important part in faith, a faith can never be grounded in it, since it is not universal. The argument that God could have indirectly willed the good, and that it was right of Abraham to blindly follow God’s command without first cognizing the good defends a faith which does not merely act as a “vehicle” for the “pure faith of religion,” but rather establishes itself without justification as an authority over common humanity.

III.B. THE VALUE OF INTENT AND GRADATION OF THE PROPENSITY TO EVIL

The second question to be considered here is whether we can consider Abraham to be morally responsible for the death of his son despite his lack of material guilt. After all, as Kant himself argues, “Nothing is, however, morally

²⁶Kant, *Religion*, 6:5.

²⁷*Ibid.*, 6:104ff.

(i.e. imputably) evil but that which is our own deed.”²⁸ Kant defines two broad types of “deeds” in this context. The first is *peccatum originarium*, and the second *peccatum derivativum*, or original and derivative sin respectively.²⁹ On this note, he writes:

The propensity to evil is a deed in the first meaning (*peccatum originarium*) and at the same time the formal ground of every deed contrary to law according to the second meaning, [i.e. of a deed] that resists the law materially and is then called vice (*peccatum derivativum*); and the first guilt remains even though the second may be repeatedly avoided (because of incentives that are not part of the law itself). The former is an intelligible deed, cognizable through reason alone apart from any temporal condition; the latter is sensible, empirical, given in time (*factum phenomenon*).³⁰

As noted, since Abraham’s act did not, as it were, “resist the law materially,” and Isaac’s life was spared, he is not guilty of derivative sin. It is in the first sense that we find him guilty, namely, of *original sin*, in the form of a propensity to evil.

The human propensity to evil is graded by Kant into three major categories, which correspond with what he suggests are the three basic inclinations towards the good (whether natural or moral) of the human being.³¹ The three grades of evil are, ascending in degree: “First, it is the general weakness of the human heart in complying with the adopted maxims, or the frailty of human nature; second, the propensity to adulterate moral incentives with immoral ones (even when it is done with good intentions, under maxims of the good), i.e. impurity; third, the propensity to adopt evil maxims, i.e. the depravity of human nature, or of the heart.”³² Abraham is certainly not guilty of frailty, for he showed no weakness of resolve in adopting his maxims. As well, he is innocent of impurity, for the inclination to do good, since the will was presented as God’s, was sufficient to determine his actions. On charges of depravity, however, we, the jury, find the defendant Abraham guilty beyond a reasonable doubt.³³

III.C. THE DEPRAVED HEART OF ABRAHAM

Depravity of the human heart, Kant explains, manifests as “the propensity of the power of choice to maxims that subordinate the incentives of the moral law to others (not moral ones).”³⁴ Of course, Kantian interpretation of biblical tales must promote moral improvement if the tale does not itself clearly promote the moral good. If, as I’ve argued, it is not in the spirit of moral improvement to depict a moral good which is not available to human reason alone, then the tale of Abraham must be interpreted so that the meaning derived does promote

²⁸Ibid., 6:31.

²⁹Ibid., 6:31.

³⁰Ibid., 6:31.

³¹For Kant’s discussion on the human predisposition toward the good, (ibid., 6:26ff)

³²Ibid., 6:29.

³³To channel the spirit of Palmquist and McPherson Rudisill’s co-authored paper.

³⁴Kant, *Religion*, 6:30.

the moral good. Whether this interpretation takes the voice heard by Abraham as of an evil spirit, or some other explanation, we can plausibly condemn Abraham for his depraved heart. Depravity, Kant writes, can also be called the “perversity (*perversitas*) of the human heart, for it reverses the ethical order as regards the incentives of a free power of choice.”³⁵ A depraved heart is “corrupted at its root,” he argues; and what else can we take this to mean if not complete subversion of moral principles? This must happen, then, by the adoption of an original maxim, determining all derivative ones, that allows one to commit evil in good conscience. The story of Abraham demonstrates just such a heart.

Recall that Abraham, as I’ve argued, adopted the following maxim for action (the one we find condemnable): “It is right to obey the command of God, even if it means committing sin.” The maxim adopted in the material case of the slaughter of his son, whether or not to obey a specific command, would be a derivative maxim determined by the original one. This maxim, however, is in direct contradiction with the maxim that the morally good heart ought to adopt, for the maxim itself, which grounds all further maxims, encourages sin. Further, the maxim reads that an external command is sufficient to undermine autonomous reason, and encourages the belief that the human is not free (self-legislating) in action.

If we accept that Abraham was right in his adoption of the original maxim, then we allow an external command to override what we are entirely capable of judging as the moral good. In such a faith, as Kant argues, “with this reversal,” the adoption of a morally subversive original maxim, “there can still be legally good (*legale*) actions, yet the mind’s attitude is thereby corrupted at its root (so far as the moral disposition is concerned), and hence the human being is designated as evil.”³⁶ Recall the maxim formulated earlier, which Abraham adopted: “It is right to obey what appears a command of God even when it means committing what would otherwise be considered sin.” This maxim, since it determines further, derivative maxims, is an original one by the adoption of which Abraham’s heart is “corrupted at its root” – thus is the depravity deep in the heart of Abraham.

IV. CONCLUSION

As my thesis contends, not only is an interpretation of Abraham’s actions in Genesis 22 as sinful defensible, but as well necessary if the role of scripture and scriptural exegesis in Kant’s moral faith is considered. Firstly, rational faith is grounded in moral principles. Secondly, the human practice of faith requires a revealed element, though this must complement and not contradict moral faith. This comes in the form of scripture, which provides analogous examples of moral situations so that autonomous agents may cultivate their own morality. Third, a principle of interpretation, the moral law itself, is used

³⁵Kant, *Religion*, 6:30.

³⁶*Ibid.*, 6:30.

to ensure preservation of moral principles. The moral law expressly promotes autonomous exercise in human reason. Fourth, Genesis 22 depicts Abraham's will as exogenously determined, since, as argued above, God commands an action of Abraham that the latter could not alone have reasoned to be a moral duty. As a result, in the court of "Kantian Reason," the interpretation of Genesis 22 must depict Abraham's action as sinful.

Thus, in response to Palmquist and McPherson Rudisill's defense of Abraham: we cannot assess the moral significance of scripture through the lens of ecclesiastic logic while in the court of "Judge (Kantian) Reason." This approach may be suitable to other inquiries, but it does not vindicate Abraham or the story of Genesis 22 within the parameters of Kantian faith, as it simply does not afford the complex relationship between revelation and the practice of faith within Kant's system the attention it requires. As a result, not only the wrong answer, but wrong question is asked, namely, whether Abraham is contemptible or not. Rather, we must ask whether the picture painted of humanity is contemptible, since scripture, in Kant, first and foremost provides material for autonomous moral cultivation. To this extent, not Abraham but Isaac is the physical manifestation of the human condition, as Palmquist and McPherson Rudisill themselves attest: "the father deals with the son in the way every father in that faith would want to have been treated by his own father."³⁷ With God his father – like all of God's 'children' – Abraham's will is bound as Isaac's body.

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³⁷ Palmquist and McPherson Rudisill, p. 494.

N O Ē S I S

ARTHUR RIPSTEIN ON KANT, WAR, AND ENCOUNTERS WITH THE SIDEWALK SOCRATES

in conversation with ARTHUR RIPSTEIN, University of Toronto

Arthur Ripstein is Professor of Law and Philosophy and University Professor at the University of Toronto. He was appointed to the Department of Philosophy in 1987, promoted to Full Professor in 1996, appointed to the Faculty of Law in 1999, and appointed to the rank of University Professor in 2016. He served as Chair of the Department 2011-14 and Acting Chair 2018-19.

Professor Ripstein's research and teaching interests include torts, legal theory, and political philosophy. In addition to numerous articles in legal theory and political philosophy, he is the author of *Private Wrongs* (Harvard 2016), *Force and Freedom: Kant's Legal and Political Philosophy* (Harvard 2009) and *Equality, Responsibility and the Law* (Cambridge 1999). He is editor of *Ronald Dworkin* (Cambridge 2007) and co-editor of *Law and Morality* (Toronto 1996, second edition 2001, third edition 2007), and *Practical Rationality and Preference* (Cambridge 2001). He is currently completing a book on Immanuel Kant's account of the law and morality of war, for which he was awarded a Killam Fellowship from the Canada Council. He is an Associate Editor of *Philosophy and Public Affairs*, a former Associate Editor of *Ethics and the Canadian Journal of Philosophy*, serves on the editorial board of *Legal Theory*, and is Advisory Editor of the *Canadian Journal of Law and Jurisprudence*. His popular work has appeared on *Ideas* on CBC Radio One.

Noēsis: You're currently the acting chair of the Department of Philosophy. What has been the biggest challenge you've had to face so far and what did you do to overcome this challenge?

AR: So as acting chair so far, in my term this year, I've had lots of things I've had to do and no crisis-type challenges. That is, because I'm acting chair, I act of behalf of Martin Pickavé, who's the chair, and I've inherited a high-functioning department in which everything works. The biggest claim on my time as chair has been hiring, but that is something that I hesitate to describe as a challenge, because while most humanities departments get to hire someone every few years, and many philosophy departments not even that, we're in the position of having our enrollments increasing steadily, and

our numbers of majors and specialists increasing steadily, as a result of which we actually are doing five searches this year. And that is a fabulous thing. It is a massive amount of work, so my biggest challenge, I suppose, is getting my own work done while I am running five searches. The early part of the search process means reading hundreds of files; that means reading philosophy writing samples by hundreds of people, that is a huge amount of work, but it's all philosophy so it's not terrible. The way to think about academic administration is that, compared to most jobs, it's a pretty good job, but compared to being a regular professor, where most of what you do is your own work and then talking to excited and interested and smart students about things that you find interesting – that's the best job in the world, and so being a chair is a bit of a come-down from that.

Noësis: Rumour has it that your mother was the first female stockbroker, and that your cousin is a world crossword puzzle champion. Could you tell us a little about that?

AR: Sure. So my mother, before becoming a stockbroker, was actually a spy, which is in a way more interesting than being a stockbroker. She was a refugee in Amsterdam during the war – “the war” I call it, World War Two – and she was taken in by a German family living there. She got false papers as a result of which she survived the war, and was able to immigrate to Canada with them after. The father was told that women could not be stockbrokers, and he asked where it said that in the rules; and as it turned out, no one had actually contemplated the opportunity and so they had not had the opportunity to forbid it, as a result of which she became a woman stockbroker in 1948. And she not only was the first woman stockbroker, she was also the oldest stockbroker in Canada – she worked until she was ninety, until seven weeks before she died. And she trained various people who went on to be major fund managers, one of her proteges was the CEO of CIBC, so she had this huge influence in the financial business in Canada.

My cousin Ellen is the world crossword puzzle champion. She is the daughter of my father's first cousin, and she was an actuary (there are a lot of actuaries in my family also, my father's sister was the first woman actuary in Canada in about 1940 or so). Ellen was an actuary in New York, and she was very interested in crossword puzzles. She always tried to get me to go to these puzzle events, but I could never understand the point, because in philosophy, you don't have a well-defined question towards which you try to fit the answer into the boxes. Instead half of the fun in philosophy is figuring out what the boxes are, and figuring out how to get a five-and-a-half letter word into the five-letter box. Anyway, she came in second in the world crossword puzzle championship for a number of years, and a documentary film crew decided that it would be a good idea to make a documentary about her, thinking that she would come in second again. And then she came in first, and so there is now a documentary about her called *Word Play* about her winning the world crossword puzzle championship.

Noësis: Philosophy is generally regarded as a non-employable field of study. What was the reaction from the people around you – say, your mother and your cousin – when you disclosed to them that your desire to study philosophy was a reality, and how did you overcome the social stigma around pursuing it?

AR: My answer has to have two different parts to it. The first part is that I grew up in a different time. I started university in 1977, and in 1977 times were just more optimistic. And at the time, I would say, only about 10 percent of high school graduates went to university. And so there was a way in which taking chances was more welcome than it is today. I regard that as a great misfortune for students of your generation, that there's real pressure to do something that is going to give some predictable payoff. But in addition to that, it's not merely that there is social pressure to do that, it's also not entirely irrational for you to yield to some of this social pressure because, there's a question: what are you going to make of your life? And there's a danger of things not working out. So that's one part of it.

The other part is that the daughter of the family that hid my mother during the war worked as her sales assistant and then went on to become a highly-respected fund manager in Toronto, and she as an undergraduate had studied history. My mother had already had the conversation with her about, "what are you going to do with a history degree?" and she was making money hand over fist, so my mother wasn't particularly worried.

The other thing to say is that I also grew up in a family that valued learning very highly. And so the fact that I was really good at something, and wanted to do something that I was really good at, was, in their view, enough.

And so, finally, though I said I was going to give you a two-part answer, here's the third part: it's just not true that people with philosophy degrees are unemployable. There is this myth that people who study philosophy end up driving cabs, or I guess now Ubers, but in fact if you look at our alumni, they've all gone on to do very successful things. I don't know if either of you were at Career night in the fall. We had a Philosophy Career night, we had five people scheduled to come (one had to cancel). One of them is a broker at Wagandi investing billions of dollars of other people's money, another is a vice president at a major insurance company six years from his philosophy BA – no, sorry, four years from his philosophy BA. Another is the head of the AI practice at Deloitte, six years from his philosophy BA; another is a consultant having worked previously with a master's degree in philosophy for the CIA. And so, that was pretty impressive, the person who couldn't come is on his third successful start-up, with a philosophy degree. There was one student who took a few courses from me, and I went into a very fancy restaurant on College that was apparently at the time the hottest restaurant in Toronto. And I walked in, and he said, "Hi Professor Ripstein, how are you?" Because he was not a server, he owned this restaurant.

Why do people in philosophy do so well? There are a number of reasons, but one is that we teach people how to reason, as opposed to teaching people a

bunch of information, and that's something that is in very short supply. The other thing is that we have a logic requirement, which actually means that to do a philosophy degree, you can't be afraid of symbols. And so, the combination of having to be able to write well, to reason, and not being afraid of symbols, is actually in very short supply. So our students tend to do well.

Noësis: Let's dive into your philosophical background now. What would you say your current philosophical interests are, and do they differ from the areas you were interested in during your undergrad degree?

AR: So, I should add that I came into philosophy partly by mistake. I took a gap year after high school. I spent the year travelling in India, and I sent my brother to enroll me in my undergraduate at the University of Manitoba, and he was in medical school at the time so he signed me up for all science courses. And on his way to register me (I think I had signed the form before I left) he ran into one of my friends, who said, "Oh, Arthur would really like this philosophy course." And so the easiest way to change this was to take me out of physics and put me in philosophy, because that only required changing one letter, and so he signed me up for philosophy. 8:30 in the morning on my first day of my first year at university, I had my first philosophy class. By twenty to nine, I thought, this is what I want to do.

When I was undergraduate I was interested in pretty much anything, and I haven't fully outgrown that. But I had a special interest in political philosophy, and there's a way in which you could say that that interest has stayed with me, though I've been diverted by various other things along the way. But when I went to graduate school I didn't know if I was going to do political philosophy or philosophy of mind; I did my dissertation on the philosophy of mind, but at the same time wrote some pieces in political philosophy, and that and legal philosophy are the main things that I've been working on in recent decades.

My current project is a book about Immanuel Kant's views on the law and morality of war, and I keep imagining I will get that done in the next year and a half or so, and it grows out of things that I've been interested in since I was an undergraduate. But it's pretty hard to identify a single continuous thread running through it.

Noësis: So, as you mentioned, Kant and the scope of ethics and legal philosophy are your current interests. What exactly sparked your interest in Kant, out of all the political philosophers?

AR: I have an official story about it, but I've been corrected when I've told this official story. So I'll tell you briefly the official story and then I'll tell you the correction. The official story is that when I came to the University of Toronto, I had a colleague at the law school who was interested in Kantian legal philosophy and I read a little bit of it and was kind of puzzled about it. Then I spent a year at Princeton as a Rockefeller fellow and one of the other fellows there was Christine Korsgaard. She gave a paper on the right to revolution, and I asked her a question and wasn't satisfied with her answer to my question. And I thought, I really need to work on this one day. So that's the official story, that I just got more and more interested in it, and it turned

out, once I did it very carefully, to be so rich and intellectually powerful that I just stuck with it.

So, that's the story I tell people. My first publication did not mention Kant, but it was the paper I used when I went on the job market in 1986. Carl Ameriks, a very senior Kant scholar at Notre Dame, was in the audience at my job talk, and when I told him this story about how I became a Kantian, he said, "That's just complete nonsense. Your job talk at Notre Dame was one of the most Kantian papers that I've ever heard in my life. And then about six months after I had that conversation with Carl, I had dinner with Onora O'Neill, a very senior Kant scholar. I told her my story of how I became a Kantian and she said, "That's nonsense, Arthur. Your first public article was the most Kantian – " and so I stand corrected, because these people plainly know better than I do.

Let me say one more thing about Kant. My late colleague Francis Sparshott used to describe John Locke as the philosopher for people who don't like philosophy. Kant is the philosopher for people who like philosophy too much.

Noësis: Do you remember what the question was on the right to revolution?

AR: Oh yes, absolutely. So, Korsgaard said that the idea of a rightful condition is an idea of reason, and so she wanted to say that that led to the conclusion that all states are legitimate because it's not an empirical idea, so there can be no test for it. So my question was, if a rightful condition was an idea of reason then a state of nature must also be an idea of reason. Because they contrast with each other. But if they are both ideas of reason then it can't be that everything satisfies one and nothing satisfies the other. And so there must be a possible category of organized uses of violence that are not actually a rightful condition. And she gave an answer, I can't remember her answer, but I regarded it as not entirely satisfactory, and so I thought, I really need to get to the bottom of this one day. My current book is in some sense yet another attempt to get to the bottom of this.

Noësis: So this book that you're writing – you were awarded the Killam Fellowship for, which is a really big deal. Could you give us a general overview of the book, the direction you intend to take with it, and how it differs from other projects you've worked on in the past?

AR: So Kant has a striking (and, I think, extremely plausible) view about the rules of war. The basic thought is that war is barbaric. So, in responding to your question about the difference between a state of nature and a rightful condition, a defective rightful condition is a condition of what Kant calls despotism. But a defective state of nature would be a condition of what he calls barbarism. The thing about war is that war is barbaric because it is a condition in which interactions between human beings are governed by force rather than words. What it is to behave in a civilized way is to have your interactions governed by words. They don't need to be nice words, and sometimes bargaining with someone is quite unpleasant, but it's still using words. There's a big difference between saying no, sorry, if you don't lower your price I'm going to take my business elsewhere, and saying, "Give me

that or I will hit you.” That difference is fundamental to understanding what’s wrong with war, because when you fight a war, even if you’re fighting to defend yourself, you’re in a condition where the outcome of what happens will not depend on the merits but only on who is stronger. The Kantian view is that all of the rules governing war (the rules governing when it’s acceptable to go to war, the conduct of war, and what happens after a war) need to be sensitive to this distinction between a condition of barbarism in which force decides, and a condition of peace in which words decide.

The point of the book is to work up this idea. I have an explanation of why Kant thinks of states as essentially public legal orders – it’s why he thinks they stand in relations analogous to the relations between individual human beings – and then I have an explanation of why on the Kantian view national defence is the only legitimate ground of going to war, an explanation of all of the rules governing the conduct of war, an explanation of what happens after a war, an explanation of the place of international institutions, and a discussion of what are often called “new kinds” of wars: wars involving non-state actors rather than the modern paradigm of war conducted between states, wars involving the use of cyber-warfare rather than the use of armed combatants, and so on.

Noësis: Since we’re on the topic of war, the title of your Kissel lecture at Harvard was, “Perpetual War and Perpetual Peace.” Could you tell us more specifically what that lecture was about?

AR: Roughly, here’s the thought. In traditional writing about war there are two models of the morality and legality of war. One is what’s often called the just war tradition. It has its origins in St. Augustine and gets developed by Aquinas, and then gets its fullest formulation in the writing of the 15th and 16th century Salamancus scholastics Vittoria and Suarez. For them war is essentially an enforcement action; essentially a way in which a prince, to use their preferred term, will see to it that justice is done, either to punish a wrong or to remedy for some wrong in the past. In Vittoria and Suarez this gets expanded, so it also includes seeing to it that distributive justice is done. Somewhat shockingly, Vittoria and Suarez sought to justice the conquest of the Americas on grounds of distributive justice. They said the people in the Americas have too much land, the people in Spain don’t have enough, and so we will see to it that land is justly distributed.

The other tradition, coming out of people who are often described as the founders of international law, Hugo Grotius, Samuel Pufendorf, and Emer de Vattel, sees war as a kind of legal proceeding fought between sovereigns who can’t resolve their dispute in any other way and so they have trial by battle. The Kantian view that I tried to express in the Kissel lecture is that, to understand where both of these go wrong, you have to understand why a legal order is essentially public, without having either a universal mandate or merely private one. The founders of the just war tradition suppose states to have a universal mandate: to just see to it that justice is done. If you think about the founders of international law, they see states as kind of private actors standing in private relations to each other, interested only in asserting their own private

claims. Kant sees the state as essentially public. And if it is essentially public, it's charged with acting on behalf of its own inhabitants. But if that exhausts its mandate, then you get a very different understanding of what the grounds of going to war could be and how a war could be conducted.

Noësis: A lot of people refer to international law and international bodies as universal law. But a lot of people would also say that it doesn't exist, and even if it does, it's not really enforceable. What would you say to people who say that war is an instrument of enforceability of law?

AR: I have two thoughts about that and a reading suggestion. Let me start with the reading suggestion. There's a fabulous book written by Oona Hathaway and Scott Shapiro, both of whom are professors at Yale Law School, called *The Internationalists*, which is about the Kellogg-Briand Pact which officially outlawed war. It was in 1928, and it outlawed war; it didn't do an immediately great job in the short term, but, in the longer term they argue that it has indeed succeeded. The way to understand it is that war works only as a means of enforcement if you can have the system of enforcement governed by a set of rules that are actually binding on everyone. Think about it this way. If you and I have a dispute, you can take me to court, and sue me. You cannot presume to have solved the dispute on your own. You can't act as prosecutor, judge, and executioner of a judgement in your own favour. That is just barbarism. That's just you saying, "Well I'm right, and you're wrong, and so therefore." So, too, there seems to be something wrong with you and I deciding, "We have a dispute, so let's fight it out." What's wrong with that? Well, it has nothing to do with who's in the right. It's totally removed from that. So, having an enforcement mechanism for international law is a very important thing, because otherwise the temptations of non-compliance are high.

But at the same time the enforcement mechanism doesn't need to be war, and shouldn't be war, because war is unilateral. What you need is something closer to an omnilateral system of enforcement. And one of the things that has happened in the past half-century is that there has been these slow development – and it's not at all secure at this point, but nonetheless the development – of a system in which there are mechanisms of enforcement of international law other than war. That is, things like trade sanctions and so on. These aren't great. The bad thing about enforcement, of course, is that the only way you can enforce something other than convincing someone to do it once they haven't been convinced by it is by putting some kind of pressure on them, and the pressure is going to be unpleasant and is going to have side effects and so on, just as every mechanism of enforcement does. The fact that we punish criminals for their crimes may have a terrible effect on their families and their neighborhoods. That doesn't mean we can't enforce, it just means we should worry whenever we do, but the key point is, although it has bad effects, this is much better than war, as a mode of enforcement. The other thing to say about that is that it's only possible in a rules-based international order, where trade is broadly governed by rules that are not merely unilateral powers to be

exercised at the initiative of every state. Because if every state can say, "Oh, we're just not going to trade with you because we want to extract concessions from you," then this system of sanctions as an enforcement mechanism breaks down, because you can only have a legal enforcement mechanism if it doesn't have a separate private use.

Noësis: I'm going to ask you a very direct, challenging philosophical question that I think some people will be dying to know the answer to. So some philosophers argue that Kantian ethics provides no specific information about what people ought to do, since Kant's moral law is solely a principle of non-contradiction. For our readers who may not know what that is, how would you explain the principle of non-contradiction and, more importantly, how do you think Kant would respond to this claim?

AR: I'm not sure if I can give an answer that is both brief and adequate to a question like that, so let me give an overly long and inadequate answer instead. Kant thinks that there are different questions that come up about morality. And his notion of which question is philosophically interesting is different than the one a utilitarian, for example, would take to be philosophically interesting. For the utilitarian, the thought is that what we want is a characterization of the non-moral factor that makes something be the right course of action. And the utilitarian supposes that this specification should exclusively be given non-moral terms. And so it's a fundamentally reductive enterprise. Like every fundamentally reductive enterprise, it faces the criteria of adequacy that the account must be able to (at least if full information were available) tell you with respect to every single action what you should and what you should not do. Kant sees moral philosophy differently from that, because on the Kantian view, the question of what I should do is almost always really easy. You should avoid interfering with other people's bodies, you should avoid defaming other people, you should not take other people's property, you should keep your promises, you be nice to your friends, take care of your children, and be kind to animals. None of this actually requires you to study any philosophy to figure out. It's not an esoteric doctrine. Most of morality is easy. And indeed, if you think about the legal parts of morality, most of them you learned in kindergarten. You learned, for example, keep your hands to yourself, don't run with scissors, that's not yours, keep your promises, and, if you don't have something nice to say, don't say anything at all. These are not hard principles to grasp. So what's the point of moral philosophy? Its central point, though by no means its only point, is to let us understand how this set of moral norms is possible at all. How is it that these are norms that assert claims on us, since we're all aware that there are sometimes merely cultural things that assert claims on us, sometimes we find something disgusting because of the ways in which we've been socialized, and so we imagine that this must be something that we should not do? We need to understand how morality is possible in a way that can survive reflection. And so Kantian morality tries to do that by identifying and articulating the form of moral thought. Having done that, it then gives us a tool through which to think about more difficult moral

problems, but it doesn't give us anything like an algorithm. It's not that if you had all the facts, you could just plug them into the categorical imperative. It's a form of thought, not a formula.

Noësis: Let's talk about your legal background. Many people argue that philosophy is a great preamble to a law degree. How did the skills you learned in your philosophy go hand in hand with your masters in law, and what other areas of study do you think philosophy can be applicable to?

AR: So I actually think that philosophy is good for pretty much everything, but that may not be a helpful answer. Let me answer in the case of law first, and then I want to say something about how philosophy is helpful in general, in working in other areas, though not a substitute for actual serious academic work in those other areas. So in the case of law, there are many similarities between philosophy and law. Most notably, philosophy and law both require a careful analysis of arguments and a careful making of arguments. Both regard themselves as disciplines that involve reasoning. Second, both require very careful, close reading of texts: figuring out why this word is there rather than that word, and trying to figure out what follows from this particular formulation of words and what is presupposed by it, so as to figure out how it might be extended to some other instance.

The core difference between them is that, at least officially, there is no authority whatsoever in philosophy, whereas in law there is authority: you have authoritative statutes, you have authoritative precedents. But the ability to reason things through, to read texts carefully, and the ability which accompanies these two skills, which is the ability to reframe the question, is very important. Because one of the things you learn to do in philosophy, and indeed, if you think about your historical courses particularly, as you work your way through the history of some debate in philosophy, you see that partly people are giving new answers to an old question. And partly they're doing that by saying, "No, no, no. That's the wrong way to think about this question. Here's the right way to think about this question," and thus moving it in the right direction. That's a skill that's extraordinarily helpful if you're trying to make an original argument, but it is no less helpful in many other ways. If you're trying to negotiate with someone, try and come up with a different way of thinking about the situation, so that both sides can actually find an outcome that's acceptable to them. So, too, if you're trying to design something, either as an engineer or as a graphic designer, try saying, "Is there a different way of thinking about this question?" If you can reframe the question, then of course you're in no way guaranteed success; but if you can't reframe it, then you're likely to have a lot of difficulty getting beyond what's standard. People are often told, to come back to what you brought up earlier about employability and so on, that what you need to learn to do is, as they put it, "think outside the box." There are no boxes in philosophy. Philosophy is all about thinking outside the box. If you think about that allegory of the cave in Plato's Republic, it is all about how people are in a box. Plato has a particular view of what's outside it. The rest of the history of philosophy has been largely a response

to the inadequacy, or the perceived inadequacy, of that Platonic response. However, the activity of, “Here’s a better way to think about it,” is just what we do as philosophers.

Noësis: So you did your B.A., M.A., and PhD. in Philosophy?

AR: Yes. So, the way it works, is Yale has a program for people with PhDs in other disciplines, where you do basically the first year of law school and they give you a masters degree. And so, I took the standard first year law school courses, and then I did a couple of reading courses on the side, and my aim in doing that was to acquire enough confidence in law so as to be able to actually pursue a philosophical project that was of interest to me.

Noësis: So you actually previously wrote a book called *Private Wrongs*, in which you propose an original moral concept in relation to tort law. Could you tell us more about that in detail?

AR: In detail? No. You can read the book if you want detail. But I can give you a non-detailed answer. So, tort law is filled with a wide catalogue of different kinds of wrongs, and in every case the court will award a remedy if the person claiming to have been wronged can establish that the elements of the tort have been met. There’s a question about what holds all of this together; whether there is something common to the tort of negligence, which is the tort that occupies the most time of courts, the tort of battery, the tort of defamation, and such more esoteric torts as misfeasance in public office. And so my aim in the book was to provide a unifying account of all of these. The basic thought is a very Kantian kind of thought, which is that a tort is a private wrong because it involves one private person acting in a way that is inconsistent with the independence of the other private person. And I claim there are particular types of inconsistency, essentially, again going back to our kindergarten example, too broad categories of it: the “keep your hands to yourself” kind, that is, touching someone or using someone’s body, or, by extension, using their property, without their permission, and then there are also the “running with scissors” kinds, injuring someone through your dangerous activity. I have an explanation of how those fit together, an explanation of how the tort of defamation fits in with all of this, and an explanation of why there are certain kinds of cases where wilfully inflicting harm can be wrongful even though, ordinarily, your state of mind doesn’t matter. So that’s the ambition of the book.

Noësis: Many legal theorists and philosophers today are concerned about the balance between legal rights and moral rights. What sorts of factors do you think are important whether a legal right or moral right takes precedence over the other, and do you think there’s a philosophical framework which addresses the issue best?

AR: So I think the first thing to say is that the concept of a right has had a natural home not in the moral context but in the legal one. That is, there’s a part of morality that is concerned with how things stand between individual human beings. That’s the part that’s covered by all the kindergarten rules I mentioned earlier. It’s also the part of morality that requires that we keep our

promises and so on. That part of morality is a morality of right; it's also the part of morality to which the law, however unsuccessfully, tries to give effect through a lot of its doctrines. Then there are other kinds of rights that also have their proper home in a legal context; those are rights that you have against the state, if you think about freedom of religion, freedom of expression, freedom of association, and freedom from involuntary seizure, the right to a fair trial. These are all fundamental moral ideas; but they're moral ideas that are, in a certain sense, made for law.

Let me illustrate with the example of right to a fair trial. In the absence of legal institutions, of course the idea of a right to a fair trial is, on the one hand, appealing – it's one of the reasons you want legal institutions – but it's not as though we can talk about you having it or not having it. It needs to be recognized institutionally. Now, when people talk about moral rights, sometimes they're talking about the part of morality that has its natural home in law. Other times they are talking in terms of things that they think should be enshrined in law, without actually thinking of them, necessarily, in juridical terms. You mentioned freedom of expression and association. People will sometimes say, well I have a right not to be offended. And so therefore, your freedom of expression should be curtailed because I have this countervailing right and the law should recognize that. One of the advantages of thinking of rights as having their natural home in a legal order is that in a legal order, any right that anyone has has to be a member of a system. I'm not saying that every legal system does a good job of this, but they need to be in some sense coordinate with each other. And the way in which one person having a right shapes the contours of the rights that other people have is fundamental to legal institutions. And I think that once we see that, then, just to return to your question as you formulated it, the key question to ask is whether this is the kind of thing that could be a right that people had simply as such. Now that doesn't mean that you couldn't have differentiated rights; if you think, for example, of the rights of Indigenous peoples, those are not rights that every person in Canada could possibly have. It's rather they are differentiated rights, but they have to be part of some kind of more general system of rights. The other thing that's worth mentioning here is that, in thinking about rights, and this also comes back to something that I said about the Kantian view of morality more generally, is that there's a kind of form of thought that is relevant to thinking about what kind of rights people have, and then in addition to that, it has to be filled in in a contextual way. Because it's not that we can figure out the answers to all questions about rights in abstraction from the culture we live in, the kind of changes it has culturally gone in recent decades, or, for that matter, without reference to what are now known as historical wrongs. And so, it needs to be done contextually, but the way to do it, I think, is to think about what the legal world would be like if we did that.

Noësis: You've been an associate editor for several prestigious academic journals, including the *Canadian Journal of Philosophy*. What aspect of being

an editor do you find the most enjoyable, and what aspect do you find the most challenging?

AR: The most enjoyable is that it's pretty great having part of your job being taken up with reading other people who send what they believe to be their best work for you to assess. And so, I won't pretend that every submission that I read is actually any good – sometimes people send things in and their friends or thesis supervisor or colleagues or whoever should have told them, no this is not worth it, but most of the time, they're pretty good. Journals have very high standards so sometimes there's very good stuff that doesn't get accepted. But the thing that I like most is that it involves me in reading philosophy and figuring out what someone's argument is, and sometimes figuring out ways in which they can improve it. I find that very satisfying. The part that is least satisfying about it, in journals where you have to get outside referees for articles, finding a suitable referee who's not too busy, and who you have not used in the past six months – I sometimes find that quite trying. It's kind of like being a low-grade social coordinator, and it's for a bunch of people who are very busy, and understandably very concerned about their own work, and so I always felt very rude and when they said no. That's about as bad as it gets.

Noësis: Prior to being acting chair for the Department of Philosophy, editing several journals, and completing four degrees, you were once an undergrad student. What sort of barriers did you experience as a student throughout your undergrad degree, and how did you overcome those barriers?

AR: So, as I said earlier, I grew up in a different time. One of the ways in which it was a different time is that it was the 1970s, which came right after the 1960s, and I look back on some aspects of that and I just can't believe the things that went on. One aspect was that there were many fewer boundaries in the academic world, as a result of which there was almost a presumption that it was perfectly normal for an undergraduate to invite a professor home for dinner or for people to go to the bar together on a regular basis. And I look back on that and I think, this is actually totally inappropriate. I did not have relationships with any of my professors, but I had friends who had relationships with professors and everyone just kind of thought that was what happened. The reason I mention that is that that meant that because there were no boundaries, or people were just oblivious to boundaries, I could just show up at any time of day in any of my professors offices and just sit down, invite myself in, and talk to them about my preoccupations – my philosophical preoccupations. I don't know whether, if I had told them about something else, they would have been interested. I had one professor who, whenever he had a mechanical problem in his home, would try to fix it and then his kids would say, "Call Arthur Ripstein, he can do it."

Now, this is—I'm not saying this is a good thing, but you asked about obstacles that I faced. One of the things was that, in a world like that, if you are male, white, and articulate, there are no obstacles. It was a world that was in many ways unjust, but if it was unjust it was unjust exclusively in my favour. In high school I experienced anti-Semitism and had to deal with that,

but once I was in university, I didn't have to deal with that. That just was the nature of the world of the university of Manitoba in the late 1970s. And so, the closest I came to an obstacle was trying to figure out which courses I was going to take. My biggest class as an undergraduate had forty students. When I was in third year, I took a philosophy of mind seminar with Cole Churchland. There were eleven people in it and he said it was the biggest third-year class he had ever taught. You can see why I could show up in people's offices, because of course, in my political philosophy course this year, I had over 200 students. If they could all show up in my office at any time, it would be mayhem. On the other hand, when I took political philosophy as an undergraduate, I think there was eleven, twelve people in the class. And so it was just a very different time.

Noësis: Do you often experience students coming up to you with a lot of philosophical questions?

AR: Sometimes, students will run into me on the street and want to talk about intellectual matters, but I love that. I don't tend to get a lot of visitors to my office hours; my students tend to fall into two categories. Either they find my lectures so clear that they have no further questions, or they find them so opaque that they can't imagine I would be of any further assistance to them. And so they don't tend to do that to me, but when they do I absolutely, love it, because I like talking about ideas. And one of the things about teaching big classes at the University of Toronto, though I find it very satisfying in a certain way, in another way it's often difficult to tell if you're getting through to people. Because I can read their written work, okay, they understood enough, but are they thinking about it beyond what I've asked them to do in the course? I would like it to be the case, and I have generally no evidence about whether it is, that when people are taking my courses, they are staying up late at night arguing with their friends about some point in Hobbes or Locke or Kant. That is my ideal of post-secondary education. Do I bring that about? I don't know. But if the Sidewalk Socrates comes up to me and says, "But wait a minute, I want to ask you about this, you said this but that can't be right because of that" – I feel like I'm in paradise.

Noësis: So you welcome the Sidewalk Socrates.

AR: Well, if it happened all the time, I might change my attitude towards it. But if it happens infrequently enough, then it's a great thing, because the thing about philosophy – at the beginning, and in the middle, things came up about the usefulness of philosophy for things outside of it. But of course, one of the things about philosophy is that, even if it were completely useless, it would be valuable. I am completely confident that in terms of appropriate expenditure of the public purse, that I am providing a real service to my students and that in so doing, I am contributing to the future economic growth of Ontario and so on. Am I also at the same time making them more reflective, and making these questions so alive for them that they will badger their friends about them? I don't know about that. But that is what I would like.

Noësis: You've taught several philosophy courses, one of which was "Issues in Philosophy of Law." What are some of the issues in the philosophy of law that you think should be discussed in more detail in today's society?

AR: Coming back to one of the questions that Ashley asked earlier, there's a question about how to think about law and the relation between law and morality, and there's a question about the way in which we deal with laws that are inadequate to our moral demands and aspirations. I think that the rule of law, as evident from the front page of the *Globe and Mail* every day for the past month, is a huge issue, and it's a philosophical issue about what the rule of law is, what it requires, and how to come to terms with its conflict with other things that we might genuinely think important. And so I think that's a central one. I think also that legal questions about responsibility and punishment are absolutely central. We live in a culture that is remarkable punitive, and thinks of many people as deserving to be punished, and I think that careful reflection about both what's presupposed by that, in terms of when it might be true and when it might not, is extremely important for philosophical and public reflection.

Noësis: Before we wrap up, could you tell us what's next for you after finishing your appointment as Chair and completing your book?

AR: That's an optimistic question. I know I will finish my term as Acting Chair at the end of June. Finishing the book will be awhile, because I actually have a couple of projects related to it that I need to finish before I can actually finish the book. I'm giving the Tanner lectures at Berkeley in April, and those two lectures, which are related to but not part of the book, will be brought out with comments, and my response to the comments, as a book, and there's another book of essays about an earlier draft of my book, with my replies to it, and I have that too. So it'll be awhile. Another thing that I might work on, depending on how things go, is either a broader piece on philosophical issues and international law, or likely a project with the title, "Members of the Public," in which I try to develop an account of the claims that we have against each other as members of the public. The idea of the public has, in philosophy, I think, suffered from excessive influence from economists, who have an idea of public goods in terms of the idea of benefits being non-excludable. I think that's the wrong way to think about it, and I would like to develop an alternative to that.

FOR ALL EXAMPLES (WHICH ONLY ILLUSTRATE
BUT CANNOT PROVE ANYTHING) ARE TREACHEROUS,
SO THAT THEY CERTAINLY REQUIRE A METAPHYSICS.
(METAPHYSICS OF MORALS (1797) AK 6:355)

-IMMANUEL KANT

